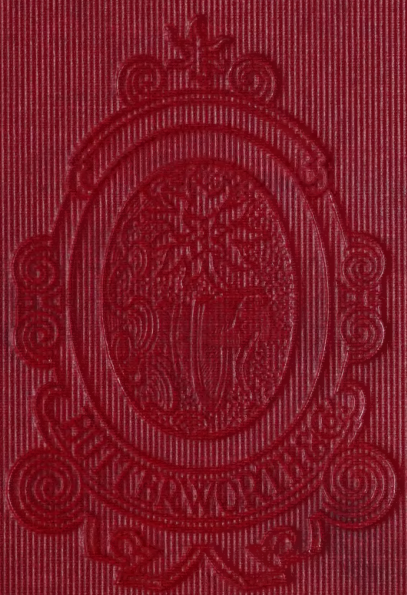

THE UNIVERSITY
OF ILLINOIS
LIBRARY

352.042
En12
1924

POLITICAL
SCIENCE
DEPARTMENT

LOCAL GOVERNMENT
1924.

AN ANNUAL PUBLICATION FOR
LOCAL AUTHORITIES.

LOCAL GOVERNMENT

EDITED BY
ALEXANDER MACMORRAN, M.A., K.C.

ASSISTED BY
F. C. ALLWORTH.

Contains all the Statutes, Orders, Cases, Departmental decisions, etc. relating to the functions of Local Authorities, annotated and arranged for easy reference.

Volumes from 1908 to 1923 are available.

Prices on application to

BUTTERWORTH & CO.
Bell Yard, Temple Bar
LONDON, W.C.2.

SHAW & SONS, LTD.
7 & 8, Fetter Lane
LONDON, E.C.4.

LIBRARY

LOCAL GOVERNMENT 1924:

COMPRISING STATUTES, ORDERS, CASES, AND DEPARTMENTAL DECISIONS.

EDITED BY

ALEXANDER MACMORRAN, M.A.,

ONE OF HIS MAJESTY'S COUNSEL.

ASSISTED BY

F. C. ALLWORTH, M.B.E.

STATUTES.
ORDERS.
CIRCULARS.
MEMORANDA.
CASES.
DECISIONS.

LONDON:

BUTTERWORTH & CO., BELL YARD, TEMPLE BAR

SHAW & SONS, LTD., 7 & 8, FETTER LANE, E.C.4.

SYDNEY: MELBOURNE:	BUTTERWORTH & CO. (AUSTRALIA), LTD.
CALCUTTA: MADRAS:	BUTTERWORTH & CO. (INDIA), LTD.
WINNIPEG: TORONTO:	BUTTERWORTH & CO. (CANADA), LTD.
WELLINGTON (N.Z.):	BUTTERWORTH & CO. (AUSTRALIA), LTD.

1925

PRINTED IN GREAT BRITAIN

LIBRARY
UNIVERSITY OF ILLINOIS
URBANA

Printed in Great Britain
BY
WILLIAM CLOWES & SONS, LIMITED,
LONDON AND BECCLES.

352.09
En12
1924

TABLE OF CONTENTS.

PAGE

ABATTOIRS. *See* SLAUGHTER-HOUSES.
ACCOUNTS AND AUDIT 1
ACT OF PARLIAMENT 3
ACTIONS BY AND AGAINST LOCAL AUTHORITIES 5
ADJUSTMENT OF ACCOUNTS. *See* AREAS.
ADULTERATION. *See* FOOD CONTROL.
AIR (THE) 6
ALLOTMENTS AND SMALL HOLDINGS 6
ANCIENT MONUMENTS 14
ANIMALS (DISEASES OF) 14
AREAS OF LOCAL GOVERNMENT 19
AUDIT. *See* ACCOUNTS.
BLIND (THE) 20
BRIDGES. *See* HIGHWAYS.
BRITISH EMPIRE EXHIBITION. *See* EDUCATION; MINISTRY OF HEALTH.
BUILDINGS 21
BURIALS 22
BYE-LAWS 23
CANALS 24
CANCER. *See* DISEASES.
CASUAL WARDS. *See* POOR LAW.
CEMETERIES. *See* BURIALS.
CESSPOOLS 25
CHARITIES 25
CHARTER OF INCORPORATION. *See* MUNICIPAL CORPORATIONS.
CHILDREN 26
CINEMATOGRAPHS 31
CLERK OF THE PEACE. *See* OFFICERS.
CLOCKS 31
COMBINATIONS OF LOCAL AUTHORITIES 32
COMMONS, OPEN SPACES, AND RECREATION GROUNDS . . . 32
CONSTABLES. *See* POLICE.

582322

PAGE

CONTRACTS 36
CORONERS 37
DEVELOPMENT 37
DISEASES (NOTIFICATION AND PREVENTION OF) 38
DISEASES OF ANIMALS. *See* ANIMALS.
DISTRICT COUNCILS 69
DRAINS. *See* SEWERS.
EDUCATION 71
ELECTIONS AND ELECTORS 75
ELECTRIC LIGHTING AND POWER 76
EMIGRATION 79
EMPLOYMENT OF WORKMEN 83
ENTERTAINMENTS 85
EXPLOSIVES 87
FACTORIES AND WORKSHOPS 92
FERTILIZERS AND FEEDING STUFFS 93
FIRES AND FIRE ENGINES 93
FOOD CONTROL 94
FORESTRY 106
GAS 110
HACKNEY CARRIAGES, OMNIBUSES, ETC. 111
HARBOURS 121
HIGHWAYS AND BRIDGES 122
HOSPITALS, MEDICAL ASSISTANCE, NURSING 149
HOUSING 160
INFANTS. *See* CHILDREN.
INSURANCE (HEALTH) 212
INSURANCE (LIFE). *See* CHILDREN.
INSURANCE (UNEMPLOYMENT) 254
JOINT BOARDS. *See* COMBINATION.
JURIES 268
LAND: ACQUISITION, SALE, LETTING, ETC., OF 269
LIBRARIES 271
LIGHT RAILWAYS. *See* TRAMWAYS.
LOANS 272
LOCOMOTIVES AND MOTOR CARS 275
LONDON TRAFFIC. *See* HIGHWAYS.
LUNACY AND MENTAL DEFICIENCY 294
MARKETS 299
MATERNITY AND CHILD WELFARE *See* CHILDREN.
MEDICAL OFFICERS OF HEALTH. *See* OFFICERS.
MENTAL DEFICIENCY. *See* LUNACY.
MENTAL HOSPITALS. *See* LUNACY.

PAGE
MIDWIVES 301
MINISTRY OF HEALTH 301
MONUMENTS. *See* ANCIENT MONUMENTS; WAR MEMORIALS.
MOTOR CARS. *See* LOCOMOTIVES.
MUNICIPAL CORPORATIONS 305
NATIONAL HEALTH INSURANCE. *See* INSURANCE.
NOTICES. 307
OFFICERS OF LOCAL AUTHORITIES 307
OLD AGE PENSIONS 311
OMNIBUSES. *See* HACKNEY CARRIAGES.
OPEN SPACES. *See* COMMONS.
OVERDRAFTS. *See* LOANS.
PARISH COUNCILS 314
PENSIONS. *See* SUPERANNUATION AND WAR ALLOWANCES.
PLEASURE GROUNDS. *See* COMMONS.
POLICE 314
POOR LAW 317
PORT SANITARY AUTHORITIES 331
PRIVATE STREETS 331
PUBLIC ADMINISTRATION 334
PUBLIC ASSISTANCE. *See* RELIEF.
PUBLIC LIBRARIES. *See* LIBRARIES.
RAILWAYS. *See* BYE-LAWS; FIRES; HIGHWAYS; RATES; TRAMWAYS.
RATES AND RATING 336
RECREATION GROUNDS. *See* COMMONS.
REFUSE REMOVAL 342
REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES . . . 343
REGISTRATION OF ELECTORS. *See* ELECTORS.
RELIEF 344
RENT CONTROL. *See* HOUSING.
RIVERS 345
ROADS. *See* HIGHWAYS.
SANITARY CONVENIENCES. *See* BYE-LAWS.
SCHOOLS. *See* EDUCATION.
SEA DEFENCE. *See* DEVELOPMENT AND SEASHORE.
SEASHORE AND ESPLANADES 355
SEWERS, DRAINS, AND SEWAGE DISPOSAL 356
SHOPS REGULATION 357
SLAUGHTER-HOUSES 357
SMALL HOLDINGS. *See* ALLOTMENTS.
SMOKE. *See* AIR.
STREETS. *See* HIGHWAYS; TOWN PLANNING.

PAGE

SUBSIDENCES. *See* LAND.
SUMMER TIME. *See* CLOCKS.
SUPERANNUATION 365
TAXATION OF COSTS. *See* ACTIONS.
TELEGRAPHS AND TELEPHONES 383
THAMES CONSERVANCY. *See* RIVERS.
TOWN PLANNING 384
TRAMWAYS 398
TUBERCULOSIS. *See* DISEASES.
UNEMPLOYMENT. *See* EMPLOYMENT.
VACCINATION 400
VALUATION. *See* RATES.
VENEREAL DISEASE. *See* DISEASES.
WAR ALLOWANCES AND PENSIONS 403
WAR MEMORIALS 404
WATER SUPPLY 404
WORKMEN'S COMPENSATION 436

LIST OF STATUTES APPEARING IN THIS VOLUME.

	PAGE
Agricultural Wages (Regulation) Act, 1924	6
Canals (Continuance of Charging Powers) Act, 1924	24
Diseases of Animals Act, 1924	14
Expiring Laws Continuance Act, 1924	3, 171
Finance Act, 1924	12, 85, 170, 275, 307
Friendly Societies Act, 1924	26
Housing (Financial Provisions) Act, 1924	161
Law of Property (Amendment) Act, 1924	269
Law of Property Act (Postponement) Act, 1924	269
Local Authorities (Emergency Provisions) Act, 1924	272, 317
London Traffic Act, 1924	122
National Health Insurance Act, 1924	212
National Health Insurance (Cost of Medical Benefit) Act, 1924	212
Old Age Pensions Act, 1924	311
Pensions (Increase) Act, 1924	366
Prevention of Eviction Act, 1924	160
School Teachers (Superannuation) Act, 1924	365
Thames Conservancy Act, 1924	345
Trade Facilities Act, 1924	273
Unemployment Insurance Act, 1924	254
Unemployment Insurance (No. 2) Act, 1924	254
Unemployment Insurance (No. 3) Act, 1924	267
Workmen's Compensation (Silicosis) Act, 1924	436

TABLE OF CASES.

A

PAGE

Alton Union, Twitchin *v.* . . 339
A.-G. *v.* Bermondsey Guardians . 327
A.-G. *v.* Ealing Corporation . . 79
A.-G. *v.* Great Western Ry. Co. 93, 94
A.-G. *v.* Poplar Guardians . . 327
A.-G., Southport Corporation *v.* 398, 399
A.-G. *v.* Westminster Corporation . 271
A.-G. for Ireland *v.* Lagan Navigation Co. 147

B

Barrett, Kelly *v.* 148
Beck and Pollitzer, Postmaster-General *v.* 383
Bermondsey Guardians, A.-G. *v.* . 327
Biggs *v.* Burridge 327
Birkdale District Electric Supply Co., Ltd., Southport Corporation *v.* 78
Birmingham Corporation, Hesketh *v.* 356
Board of Trade, Swift & Co. *v.* . 106
Bond, Harnett *v.* 298, 299
Boot (Henry) & Sons (London), Ltd. *v.* Uttoxeter Urban District Council . . . 210, 211
Braithwaite, Lapish *v.* . . . 305, 306
Brighton College *v.* Marriott 25, 26
Burges, Shoeburyness Urban District Council *v.* 332
Burridge, Biggs *v.* 327

C

Carstairs *v.* Spence 148
City of London Assessment Committee, R. *v.*, *Ex parte* Lovell . 338, 339
Cutting *v.* Windsor 75

D

Dennis *v.* Miles 121
Deuchar *v.* Gas Light and Coke Co. 110, 111
Dewhurst *v.* Salford Guardians . 382
Dewhurst *v.* Stockport Guardians 382
Diggines, Hartland *v.* 309
Dyson *v.* Sheffield Corporation 72, 73

E

PAGE

Ealing Corporation, A.-G. *v.* . . 79
East and West Flegg Rural District Council, *Re* 267, 268
Elkington *v.* Wandsworth Corporation 211
Erith Urban District Council, Nixon *v.* 36
Everett *v.* Griffiths . . 328, 329

G

Gas Light and Coke Co., Deuchar *v.* 110, 111
Gateshead Assessment Committee, Redheugh Colliery, Ltd. *v.* 339, 340
Gibbons, Regent's Canal and Docks Co. *v.* 147, 148
Glamorgan County Council *v.* Glasbrook Brothers, Ltd. . 316, 317
Glamorgan County Council *v.* Tirdonkin Merthyr Collieries, Ltd. 316, 317
Glasbrook Brothers, Ltd., Glamorgan County Council *v.* . 316, 317
Gordon Parish Council, Melrose Parish Council *v.* . . 327, 328
Great Western Ry. Co., A.-G. *v.* 93, 94
Griffiths, Everett *v.* . . 328, 329

H

Hackney Metropolitan Borough Council *v.* Metropolitan Asylums Board 338
Hale, Salford Corporation *v.* . 210
Harding, Parry *v.* . . 209, 210
Harnett *v.* Bond . . . 298, 299
Hartland *v.* Diggines . . . 309
Hawes *v.* Stephens . . . 105
Henry Boot & Sons (London), Ltd. *v.* Uttoxeter Urban District Council 210, 211
Hesketh *v.* Birmingham Corporation 356

K

Kelly *v.* Barrett 148
Kent County Council, Spry *v.* . 73
Kent Education Committee, Spry *v.* 73

PAGE

Kingston-upon-Hull Guardians, *Ex parte*, R. *v.* Kingston-upon-Hull Recorder 339
Kingston-upon-Hull Recorder, R. *v.*, *Ex parte* Kingston-upon-Hull Guardians 339

L

Labour Minister, R. *v.* . 78, 79
Labour Minister, R. *v.*, *Ex parte* Torquay Corporation . 78, 79
Lagan Navigation Co., A.-G. for Ireland *v.* 147
Lapish *v.* Braithwaite . . . 305, 306
Leconfield (Lord), Thornely *v.* . 309
Leetham (Henry) & Sons, Ltd., York Corporation *v.* . . 354, 355
Lewisham Union Guardians *v.* Nice 328
Llantwit Major Parish Council, Nicholl *v.* 22, 23
London and North-Eastern Ry. Co., Metropolitan Water Board *v.* 435
London (City of) Assessment Committee, R. *v.*, *Ex parte* Lovell . 338, 339
London County Council, Mills *v.* . 31
London County Council, Rosenthal *v.* 399
Lovell, *Ex parte*, R. *v.* London (City of) Assessment Committee 338, 339

M

M'Kay, Robertson *v.* . . 105, 106
M'Lellan (A. & J.), Slater *v.* . 293
Marriott, Brighton College *v.* 25, 26
Melrose Parish Council *v.* Gordon Parish Council . . . 327, 328
Metropolitan Asylums Board, Hackney Metropolitan Borough Council *v.* 338
Metropolitan Water Board *v.* London and North-Eastern Ry. Co. 435
Miles, Dennis *v.* 121
Mills *v.* London County Council . 31

N

Nice, Lewisham Union Guardians *v.* 328
Nicholl *v.* Llantwit Major Parish Council 22, 23
Nixon *v.* Erith Urban District Council 36

P

Parry *v.* Harding . . . 209, 210
Pigg *v.* Tow Law Overseers (Weardale Union) 339
Poplar Guardians, A.-G. *v.* . . 327

PAGE

Port of London Authority *v.* Woolwich Corporation . . 337, 338
Postmaster-General *v.* Beck and Pollitzer 383

R

R. *v.* City of London Assessment Committee, *Ex parte* Lovell 338, 339
R. *v.* Kingston-upon-Hull Recorder, *Ex parte* Kingston-upon-Hull Guardians 339
R. *v.* Labour Minister . . 78, 79
R. *v.* Labour Minister, *Ex parte* Torquay Corporation . 78, 79
R. *v.* London (City of) Assessment Committee, *Ex parte* Lovell 338, 339
R. *v.* Roberts, *Ex parte* Scurr . 2, 3
R. *v.* Taylor 76
Redheugh Colliery, Ltd. *v.* Gateshead Assessment Committee . 339, 340
Regent's Canal and Docks Co. *v.* Gibbons 147, 148
Roberts, R. *v.*, *Ex parte* Scurr . 2, 3
Robertson *v.* M'Kay . . 105, 106
Rosenthal *v.* London County Council 399

S

Sadler *v.* Sheffield Corporation 72, 73
Salford Corporation *v.* Hale . . 210
Salford Guardians, Dewhurst *v.* . 382
Scurr, *Ex parte*, R. *v.* Roberts . 2, 3
Sheffield Corporation, Dyson *v.* 72, 73
Sheffield Corporation, Sadler *v.* 72, 73
Shoeburyness Urban District Council *v.* Burges . . . 332
Slater *v.* M'Lellan (A. & J.) . . 293
Southport Corporation *v.* A.-G. . 398, 399
Southport Corporation *v.* Birkdale District Electric Supply Co., Ltd. 78
Spence, Carstairs *v.* 148
Spry *v.* Kent County Council . 73
Spry *v.* Kent Education Committee 73
Staines Rural District Council, Whitbread & Co., Ltd. *v.* . . 25
Stephens, Hawes *v.* 105
Stockport Guardians, Dewhurst *v.* 382
Swift & Co. *v.* Board of Trade . 106

T

Taylor, R. *v.* 76
Thornely *v.* Leconfield (Lord) . 309
Tirdonkin Merthyr Collieries, Ltd., Glamorgan County Council *v.* . 316, 317
Torquay Corporation, *Ex parte*, R. *v.* Labour Minister . . 78, 79
Tow Law Overseers (Weardale Union), Pigg *v.* 339
Twitchin *v.* Alton Union . . 339

U

PAGE

Uttoxeter Urban District Council, Boot (Henry) & Sons (London), Ltd. *v.* 210, 211

W

Wandsworth Corporation, Elkington *v.* 211
Westminster Corporation, A.-G. *v.* 271
Whitbread & Co., Ltd. *v.* Staines Rural District Council . . 25
Windsor, Cutting *v.* 75
Winsford Entertainments, Ltd. *v.* Winsford Urban District Council 300
Woolwich Corporation, Port of London Authority *v.* . 337, 338

Y

York Corporation *v.* Leetham (Henry) & Sons, Ltd. . 354, 355

LOCAL GOVERNMENT, 1924.

ABATTOIRS.

See "SLAUGHTERHOUSES."

ACCOUNTS AND AUDIT.

See also "POOR LAW."

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of Sect. 14 of the Local Government (Emergency Provisions) Act, 1916, relating to notice of Audit, etc.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

MUNICIPAL ACCOUNTS.

At the annual conference of cleansing superintendents held at Margate on 17th and 18th June, 1924, Mr. I. G. Gibbon, C.B.E., D.Sc., one of the assistant secretaries of the Ministry of Health, gave an address in which he laid stress on the need for costing returns in connection with public cleansing and other municipal services, and for accounts prepared on a uniform basis and system so as to permit of comparison of expenditure as between town and town. He laid down three or four elementary propositions. Costing returns should show facts; statistics should be kept on the same general basis throughout the country; the statistics or returns should show on their face, when used for other than local work, the principal characteristics of the local cleansing work; and lastly, the statistics should be boiled down to the simplest form so that they may be readily understood.

REORGANISATION OF AUDIT SERVICE.

In the report of the Ministry of Health for 1923–24, it was stated that during the year the work of the district audit staff had still further increased. The total expenditure audited by district auditors during the year was estimated to exceed £400,000,000, apart from the considerable expenditure which had been examined by them but not formally audited. District audit applied to the accounts of practically all local authorities except the councils or municipal boroughs outside London. Of the 335 municipal boroughs outside London the accounts of 36 councils were wholly subject to district audit, while in the other cases the accounts relating to assisted housing schemes and to education were audited by district auditors. During the year two boroughs had obtained legislation enabling the whole of their accounts to be audited by district auditors.

The scheme of reorganisation of the audit service had been brought into operation during the year. Outside the metropolis there were now twenty audit districts instead of forty-eight as before. A district auditor was assigned to each district, with a certain number of assistant auditors and a clerical staff to assist in the work. The district auditor was responsible for the whole work of his area, but he devoted most of his personal attention to the organisation of the work as a whole, to the audits of the more important local authorities, and to audits on which matters of special difficulty arose. The scheme enabled a larger measure of uniformity to be secured in audit procedure and accounting methods than was possible under the previous arrangements, and provided for a more effective and economical use of the staff in dealing with the increasing volume of work.

III.—CASES.

Excessive Payments to Employees —Illegality—Disallowance by District Auditor of Excess—Discretion of Council—Metropolis Management Act, 1855, *s.* 62.]—By s. 247 (7) of the Public Health Act, 1875: "Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment."

HELD—that that provision applies as well to excessive payments made for lawful objects as to payments made for unlawful objects. By s. 62 of the Metropolis Management Act, 1855, a metropolitan borough council "shall . . . employ . . . such . . . servants as may be necessary, and may allow to such . . . servants . . . such wages as (the council) may think fit." A metropolitan borough council was of opinion that it ought not, as a model employer, to pay any of its servants less than £4 a week, and it accordingly paid the various classes of its servants scales of wages based upon that principle. The wages so paid were considerably in excess of the rates fixed by awards of the Joint Industrial Council, and also of the pre-war rates of wages coupled with the officially recognised increase in the cost of living, but the council in making the payments acted in good faith. The district auditor disallowed the excess above what he considered would have been a reasonable payment.

HELD (by Scrutton and Atkin, L.JJ.; Bankes, L.J., dissenting): that the auditor was not justified in making the disallowance. By

Scrutton, L.J. : On the ground that Parliament had given the council, an elected representative body, a very wide discretion, and that the payments in question did not exceed the reasonable limits of that discretion. He was of opinion, however, that if the payments had exceeded those limits they would not have been protected by the fact that the council in making them had acted in good faith. By Atkin, L.J. : On the ground that the council had under s. 62 of the Act of 1855 an unlimited discretion subject to the condition that it must exercise it in good faith.

Judgment of Divisional Court, [1924] 1 K. B. 514, reversed.

R. v. ROBERTS, *Ex p.* SCURR, [1924] 2 K. B. 695 ; 94 L. J. K. B. 1 ; 88 J. P. 174 ; 40 T. L. R. 769 ; 69 Sol. Jo. 10 ; 22 L. G. R. 718 ; 157 L. T. Jo. 531—C. A.

(The decision of the Court of Appeal has since been overruled in H. L. See 89 J. P. Jo. 244.)

IV.—DEPARTMENTAL DECISIONS.

Reopening of Fraudulent Accounts.

The Ministry held that a District Auditor is justified in reopening audited accounts and making surcharges when sums have been allowed as the result of fraud.

ACT OF PARLIAMENT.

I.—STATUTES.

EXPIRING LAWS CONTINUANCE ACT, 1924. 15 Geo. 5, c. 1.

[18th December 1924.]

1.—(1) The Acts mentioned in Parts I. and II. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-five, and shall then expire, unless further continued.

(2) The Acts mentioned in Part III. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-six, and shall then expire, unless further continued.

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not :

Provided that nothing in this subsection shall be deemed to continue the Agricultural Rates Act, 1923.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.
* *	* * *	* * *
(3) 4 Edw. 7, c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.
* *	* * *	* * *
(7) 4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.
(8) 6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (*a*); Sections six, seven, nine, and twelve; Section thirteen, except subsections (4), (5) and (6); Sections fourteen, twenty-one and twenty-two, and subsection (1) of section twenty-four.
(9) 6 & 7 Geo. 5, c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act.
(10) 7 & 8 Geo. 5, c. 19.	The Coroners (Emergency Provision) Act, 1917.	The whole Act.
(11) 8 & 9 Geo. 5, c. 23.	The Juries Act, 1918.	Section seven.
(12) 8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.
(13) 9 & 10 Geo. 5, c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section twenty-five.
* *	* * *	* * *
(17) 10 & 11 Geo. 5, c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revoking in whole or in part, of Parts I. and III. of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.
(18) 10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.
(19) 10 & 11 Geo. 5, c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act.

1. Session and Chapter.	2. Short Title.	3. How far continued.
(20) 11 & 12 Geo. 5, c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.
(21) 12 & 13 Geo. 5, c. 22.	The Summer Time Act, 1922.	The whole Act.
	PART II.	
(22) 10 & 11 Geo. 5, c. 21.	The Harbours Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.
	PART III.	
(23) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act.
* *	* * *	* * *

A list of the Acts of Parliament affecting local government passed during 1924 will be found at the beginning of this volume. Each is also noticed under its proper heading.

ACTIONS BY AND AGAINST LOCAL AUTHORITIES.

I.—STATUTES.

See under "Act of Parliament" as to the continuance of the Courts (Emergency Powers) Act, 1914, by the Expiring Laws Continuance Act, 1924, so far as it relates to Orders made by any Court before 31st August, 1922.

IV.—DEPARTMENTAL DECISIONS.

Taxation of Legal Costs.

The Ministry held that when costs due from a local authority are taxed on a "party and party" basis in the course of litigation, or where the litigation involves no taxation by an officer of the Court, the position is the same as in the case of non-contentious legal business.

NOTE.—Sect. 249 of the Public Health Act, 1875, imposes an obligation on the Clerk of the Peace to tax the bill of solicitors to a local authority in all cases, except where the bill relates to litigation.

ADJUSTMENT OF ACCOUNTS.

See "AREAS."

ADULTERATION.

See "FOOD CONTROL."

AIR (THE).

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Report of Advisory Committee on Atmospheric Pollution, on observations in the year ended 31st March, 1923. [M.O. 260.]

This Report (the 9th) was issued by the Meteorological Office, Air Ministry, during the year. Copies are obtainable from usual sources. Price 4*s.* 6*d.*

ALLOTMENTS AND SMALL HOLDINGS.

I.—STATUTES.

AGRICULTURAL WAGES (REGULATION) ACT, 1924.

14 & 15 Geo. 5, c. 37.

[7th August 1924.]

NOTE.—Only sufficient of this Act is inserted to show its purpose and scope.

1.—(1) Subject to the provisions of this Act, the Minister of Agriculture and Fisheries (in this Act referred to as the Minister) shall, as soon as may be, establish an agricultural wages committee for each county in England and Wales, and an Agricultural Wages Board for England and Wales.

(2) An agricultural wages committee and the Agricultural Wages Board shall respectively be constituted in accordance with the provisions of the First Schedule to this Act and shall be established by order made by the Minister.

(3) The Minister may, if he thinks it expedient, establish one agricultural wages committee for two or more counties instead of a separate committee for each county should resolutions in favour of such combination be passed by the representative members of the committees

for the several counties, and thereupon that committee shall be the agricultural wages committee for the combined counties.

(4) Notwithstanding anything in the foregoing provisions of this section, the Minister shall, on the first establishment of agricultural wages committees, establish one committee for each combination of counties specified in the Second Schedule to this Act.

(5) Where one committee has been established for a combination of counties, the Minister at any time thereafter may, and on the representation of the committee by resolution of the representative members shall, dissolve the committee, and until such committee is dissolved the counties included in the combination shall for the purposes of this Act be deemed to be one county.

2.—(1) Subject to the provisions of this Act, agricultural wages committees shall fix minimum rates of wages for workers (*a*) employed in agriculture (*b*) for time work, and may also, if and so far as they think it necessary or expedient, fix minimum rates of wages for workers employed (*c*) in agriculture for piece work.

(2) Any such minimum rates may be fixed by a committee so as to apply universally to all workers employed in agriculture in the county for which the committee act, or to any special class of workers (*d*) so employed, or to any special area in the county, or to any special class in a special area, subject in each case to any exceptions which may be made by the committee for employment of any special character, and so as to vary according as the employment is for a day, week, month, or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of overtime.

In the exercise of their powers under this subsection a committee shall, so far as is reasonably practicable, secure a weekly half-holiday for workers.

(3) If, on an application in that behalf, a committee are satisfied that any worker employed or desiring to be employed on time work to which a minimum rate fixed under this Act is applicable is so affected by any physical injury or mental deficiency, or any infirmity due to age or to any other cause, that he is incapable of earning that minimum rate, the committee shall grant to the worker a permit exempting, as from the date of the application, or from any later date specified in the permit, the employment of the worker from the provisions of this Act requiring wages to be paid at not less than the minimum rate, subject to such conditions as may be specified in the permit, including if the

(*a*) By s. 16 (1) worker includes boy, woman, and girl.

(*b*) By s. 16, sub-s. (1), the expression "agriculture" includes dairy-farming and the use of land as grazing, meadow, or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds.

(*c*) By s. 16, sub-s. (1), the expression "employment" means employment under a contract of service or apprenticeship, and the expressions "employed" and "employer" are to be construed accordingly.

(*d*) By s. 16, sub-s. (1), the expression "special class of workers" means in relation to an order or resolution fixing, varying, or cancelling a rate of wages, such workers as are treated in the order or resolution as constituting a special class.

committee think fit, a condition as to the wages to be paid to the worker; and, while the permit has effect, an employer shall not be liable to any legal proceedings under this Act for paying wages to the worker at a rate less than the minimum rate if the conditions specified in the permit are complied with. If an application for a permit is not disposed of within twenty-one days after the day on which it is received, then the employer of the worker to whom the application relates shall not be liable to any legal proceedings under this Act for paying wages to the worker at a rate less than the minimum rate during the interval between the expiration of the said period and the date on which the application is ultimately disposed of.

(4) In fixing minimum rates a committee shall, so far as practicable, secure for able-bodied men such wages as in the opinion of the committee are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

(5) A committee may, if they think it expedient, cancel or vary any minimum rate fixed under this Act.

(6) Before fixing, cancelling or varying any minimum rate, the committee shall give such notice as may be prescribed of the rate of which they propose to fix or of their proposal to cancel the rate or of the proposed variation of the rate as the case may be, and of the manner in which and the time within which objections to the proposal may be lodged, not being less than fourteen days from the date of the notice, and shall consider any objections to the proposal which may be lodged within the time mentioned in the notice.

Where the proposal is modified in consequence of any objection so lodged, notice of the modified proposal need not be given except where in the opinion of the Agricultural Wages Board the proposal has been altered so materially that a fresh notice ought to be given.

3.—(1) Where a committee have fixed any minimum rate of wages or have cancelled or varied any such rate, they shall forthwith send in the prescribed manner to the Agricultural Wages Board notification of their decision.

(2) The Agricultural Wages Board, on receipt of such notification, shall as soon as practicable make such order as may be necessary for the purpose of carrying out the decision of the committee.

(3) The Board shall, as soon as may be after they have made an order under this section, send notification thereof to the committee concerned, and give notice of the making of the order and the contents thereof in the prescribed manner.

(4) Any such minimum rate or the cancellation or variation thereof shall become effective from the date specified in that behalf in the order.

The date to be so specified shall be a date subsequent to the date of the order and where, as respects any employer who pays wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which wages are paid

by that employer, the rate, or the cancellation or variation thereof, shall become effective as from the beginning of the next such period following the date specified in the order.

4. (Complaints as to inadequate payment for piecework where no minimum piece rate has been fixed.)

5. (Power of Agricultural Wages Board to fix, cancel, or vary minimum rates in certain cases.)

6. (Power of the Minister to direct the reconsideration of minimum rates.)

7. (Penalties and legal proceedings.)

8.—(1) The Minister shall, in addition to any special power to make regulations given to him under this Act, have power to make regulations for the following purposes :—

(*a*) for requiring the wages committees by order to define the benefits or advantages (not being benefits or advantages prohibited by law) which may be reckoned as payment of wages in lieu of payment in cash and the value at which they are to be reckoned, and for enabling the committees by order to limit or prohibit the reckoning of benefits or advantages as payment of wages in lieu of cash, and for enabling the committees on the application of any employer or worker, to determine any question which may arise as to the value of any such benefits or advantages, or generally as to any contract of employment so far as the application of this Act thereto is concerned;

(*b*) for requiring the agricultural wages committees by order to define for the purposes of any differential rate for overtime, the employment which is to be treated as overtime employment;

(*c*) for requiring a committee, if so directed by the Minister to reconsider any such order as aforesaid made by them to notify to the Minister the result of their reconsideration;

(*d*) for requiring the Agricultural Wages Board, if so requested by a resolution of the representative members of a wages committee, to perform any duty or exercise any power of the committee under any regulation made under this section, or requiring the Board to perform any such duty which a committee has failed to perform within such time as may be prescribed by the regulation, and for applying for that purpose as respects the Board any provisions of this section relating to committees.

(*e*) for prescribing the procedure to be followed on or in connection with applications or complaints to the committees or sub-committees; and

(*f*) as to the notice to be given of any matter under this Act with a view to bringing, so far as practicable, the matter of which notice is to be given to the knowledge of persons affected.

(2) Any regulation made under this Act shall be laid before both Houses of Parliament forthwith; and, if an address to His Majesty is agreed to by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

9. (Appointment and powers of officers.)

* * * * * *

16.—(1) In this Act unless the context otherwise requires—

The expression "agriculture" includes dairy-farming and the use of land as grazing, meadow, or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds

The expression "worker" includes a boy, woman and girl;

The expression "employment" means employment under a contract of service or apprenticeship, and the expressions "employed" and "employer" shall be construed accordingly;

The expression "special class of workers" means in relation to an order or resolution fixing, varying or cancelling a rate of wages, such workers as are treated in the order or resolution as constituting a special class;

The expression "county" means an administrative county, and, for the purposes of this Act, a county borough which is surrounded by an administrative county shall be deemed to be included in that county, and a county borough which adjoins two or more administrative counties shall be deemed to be included in such of those counties as the Minister may direct, and any detached part of an administrative county shall be deemed to be included in the adjoining administrative county or if it adjoins two or more administrative counties shall be deemed to be included in such of those counties as the Minister may direct;

The expression "prescribed" means prescribed by regulations made under this Act.

* * * * * *

SCHEDULES.

FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF AGRICULTURAL WAGES COMMITTEES AND THE AGRICULTURAL WAGES BOARD.

AGRICULTURAL WAGES COMMITTEES.

1. An agricultural wages committee shall consist of members representing employers and members representing workers in agriculture in the county for which the committee act (in this Act referred to as representative members), in equal proportions, of two impartial members appointed by the Minister and of a chairman.

2. The representative members shall be either nominated or elected as may be provided by regulations made under this schedule, and shall be nominated or elected in the manner prescribed by such regulations.

3. The chairman of an agricultural wages committee shall be appointed annually by the committee, but, if the committee at any time fail to appoint a chairman within the prescribed period, the appointment may be made by the Minister.

A committee may nominate one or more persons for the office of vice chairman, and the chairman may from time to time appoint one of those persons to act in his place as vice chairman in his absence.

A representative member of a committee shall not be qualified to be appointed chairman or vice chairman of the committee of which he is a member.

4. At every meeting of a committee the chairman, if present, shall preside. If the chairman is absent, the vice chairman, if present, shall preside. If both the chairman and vice chairman are absent, such member as the members then present choose shall preside.

5. At a meeting of a committee the chairman or a vice chairman presiding at the meeting in his absence shall be entitled to vote, and in case of equality of votes shall have a second or casting vote, but before exercising his right to vote the chairman or vice chairman, if so authorised by a resolution of the representative members of the committee, may obtain the advice of the Agricultural Wages Board or a committee of that board as to the exercise of such right, and may adjourn the meeting in order to enable him to do so.

6. A committee may, in accordance with regulations under this schedule, appoint one or more sub-committees consisting of persons representing employers and persons representing workers in agriculture in the county in equal proportions, and of a chairman, if the committee think fit, and the committee may refer to any such sub-committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such sub-committee any of their powers and duties under this Act other than their power or duty to fix, cancel, or vary minimum rates of wages. The members of a sub-committee may, but need not be, members of the committee by which the sub-committee is appointed.

Agricultural Wages Board.

7. The Agricultural Wages Board shall consist of members representing employers and members representing workers in agriculture (in this Act referred to as representative members) in equal proportions together with such number of members (in this Act referred to as appointed members) as the Minister may think fit to appoint, but so that the number of appointed members shall not exceed one-quarter of the total number of members of the Board when fully constituted.

8. The representative members shall be either nominated or elected as may be provided by regulations made under this schedule, and shall be nominated or elected in the manner prescribed by such regulations.

9. The chairman of the Board shall be such one of the appointed members as the Minister may nominate. At every meeting of the Board the chairman if present shall preside, and, if he is absent, such appointed member as the members then present choose shall preside.

10. At least one member of the Board shall be a woman.

11. The Board may, in accordance with regulations under this Schedule, appoint one or more committees consisting of members representing employers and members representing workers in agriculture in equal proportions and of one or more appointed members, and may refer to any such committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such committee any of their powers and duties under this Act, other than any power or duty to fix, cancel, or vary minimum rates of wages.

General.

12. The proceedings of an agricultural wages committtee or sub-committee or of the Agricultural Wages Board or any committee thereof shall not be

invalidated by any vacancy in their number or by any defect in the appointment, nomination or election of the chairman, vice-chairman or any member of the committee, sub-committee or Board.

13. The Minister may make regulations with respect to the proceedings and meetings of agricultural wages committees, sub-committees and the Agricultural Wages Board and any committee thereof including the appointment of chairmen and the term of office of chairmen and other members, the method of voting and the number of members necessary to form a quorum, and any such regulations as to committees or sub-committees may be made so as to apply generally to the procedure of all committees or sub-committees or specially to the procedure of any particular committee or sub-committee; but, subject to the provisions of this Schedule and to any regulations so made, an agricultural wages committee, a sub-committee and the Agricultural Wages Board and any committee thereof may respectively regulate their proceedings in such manner as they think fit.

SECOND SCHEDULE.

COUNTIES AND COMBINED COUNTIES FOR WHICH THE FIRST AGRICULTURAL WAGES COMMITTEES ARE TO BE ESTABLISHED.

COMBINATIONS OF COUNTIES FOR WHICH COMMITTEES ARE TO BE ESTABLISHED ON THE FIRST ESTABLISHMENT OF COMMITTEES.

Counties of Bedford and Huntingdon.
Counties of Cambridge and Isle of Ely.
Counties of Cornwall and Scilly Isles.
Counties of Cumberland and Westmorland.
Counties of Leicester and Rutland.
Counties of Lincoln, Parts of Kesteven and Lincoln, Parts of Lindsey.
Counties of Northampton and Soke of Peterborough.
Counties of Southampton and Isle of Wight.
Counties of East Suffolk and West Suffolk.
Counties of East Sussex and West Sussex.
Counties of Anglesey and Carnarvon.
Counties of Denbigh and Flint.
Counties of Merioneth and Montgomery.
Counties of Pembroke and Cardigan.
Counties of Radnor and Brecknock.

FINANCE ACT, 1924.

14 & 15 Geo. 5, c. 21.

* * * * * *

23.—(1) Any profits or gains arising to an agricultural society from an exhibition or show held for the purposes of the society shall, if they are applied solely to the purposes of the society, be exempt from income tax.

(2) The expression "agricultural society" in this section means any society or institution established for the purpose of promoting the interests of agriculture, horticulture, live-stock breeding or forestry.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

RENEWAL OF LEASES OF SMALL HOLDING PROPERTIES —MEMORANDUM OF THE MINISTRY OF AGRICULTURE AND FISHERIES, DATED 13TH SEPT., 1924.

In its Memorandum dated the 8th February, 1923 (No. L. S. 566/C.L.), the Ministry called the attention of councils to the advisability of preparing a list of all small holdings properties held by the council on leases which were due to expire in the course of the next few years, and impressed on councils the importance of dealing in good time with the question of the renewal of such leases. Further, cases have since been brought to the Ministry's notice where difficulties have arisen through failure to deal with this question at a sufficiently early date, and the Ministry wishes to urge most strongly on councils the importance of reviewing at frequent intervals the list of properties which the council hold on lease, with a view to steps being taken to deal with the question of renewal at least eighteen months before the lease is due to expire.

Where the original lease was obtained under a compulsory hiring order, sect. 44 of the Small Holdings and Allotments Act, 1908, provides that the council may, by giving notice in writing to the landlord not more than two years nor less than one year before the expiration of the tenancy, renew the lease for a term of not less than 14 or more than 35 years as may be specified in the notice. In default of agreement, the rent has to be determined by arbitration in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919. The renewal of such a tenancy is not a case of compulsory acquisition, but the exercise of a statutory option of renewal. No notice to treat will be served, so that sect. 39 (8) of the Act of 1908 will not apply, and consequently after the determination of the rent by the arbitrator, the council have no power to withdraw. It follows, therefore, that the future financial position of the scheme should receive very careful consideration before notice requiring the renewal of the tenancy is served, and the formal consent of the Ministry should in all cases be obtained prior to service of such notice. It is particularly important that such cases should be dealt with in ample time to permit of full inquiries being made, so that the requisite notice may be served not less than twelve months before the lease is due to expire.

Where, in the case of a voluntary lease, the council are able to agree terms for renewal with the landlord, the Ministry's consent should always be obtained before the agreement is finally concluded.

Finally, in all cases where the council have under consideration the question of the renewal of a lease, the Ministry trusts that the council will keep the District Commissioner fully informed as to the position. Should the council decide that in the circumstances of any particular case a renewal of the lease is advisable, the Ministry's concurrence should be obtained before effect is given to this decision.

Report of Proceedings under the Allotments Acts, 1908–1922, *for the year* 1923.—This document was issued on 22nd August by the Ministry of Agriculture and Fisheries. Copies are obtainable from usual sources, price 1*s*.

ANCIENT MONUMENTS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Orders in Council under sect. 14 *of the Ancient Monuments Consolidation and Amendment Act,* 1913.—By two Orders in Council dated respectively 16th April and 9th October, a large number of additional castles, stones, camps, in England Scotland and Wales were declared to be ancient monuments within the meaning of sect. 14 of the Ancient Monuments, etc., Act, 1913, by which penalties were imposed upon any person injuring or defacing them.

ANIMALS (DISEASES OF).

I.—STATUTES.

DISEASES OF ANIMALS ACT, 1924. 14 Geo. 5, c. 3.

[6th March 1924.]

1. The limitation of one hundred and forty thousand pounds imposed by section eighteen of the Diseases of Animals Act, 1894, on the moneys which may be provided by Parliament towards defraying the costs in such section mentioned and be paid to the Cattle Pleuro-pneumonia Account for Great Britain shall not apply to moneys so provided in the financial year ending on the thirty-first day of March, nineteen hundred and twenty-four.

NOTE.—A similar provision was made in respect of the financial year ending 31st March, 1922. *See* "Local Government, 1922," p. 80.

Sect. 18 of the Diseases of Animals Act, 1894, is as follows :—

"18.—(1) The account opened at the Bank of England under the provisions of section two of the Contagious Diseases (Animals) Pleuro-pneumonia Act, 1890 (and therein and in this Act referred to as the Cattle Pleuro-pneumonia Account for Great Britain), is hereby continued, and there shall be paid to the said account—

"(*a*) such moneys (*not exceeding one hundred and forty thousand pounds in any one year*) as may be provided by Parliament towards defraying the costs incurred by the Board of Agriculture in the execution in Great Britain of the provisions of this Act relating to the slaughter of cattle, animals or swine, on account of pleuro-pneumonia, foot and mouth disease, or swine-fever, and such other costs and expenses as are by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain ; and

"(*b*) all sums received by the *Board* in the sale of the carcases of cattle, animals, or swine slaughtered by the Board on account of pleuro-pneumonia, foot and mouth disease, or swine-fever, after deducting any amounts payable thereout as excess to the owners of the cattle, animals, or swine, under this Act.

"Provided that of the money provided by Parliament for the Cattle Pleuro-pneumonia Accounts for Great Britain and Ireland not more than

fifty thousand pounds shall be so provided for the costs of the execution of this Act as respects swine-fever in any one year.

"(2) If in any financial year the money standing to the Cattle Pleuro-pneumonia Account for Great Britain is insufficient to defray the costs and expenses by this Act made payable out of the money standing to the Cattle Pleuro-pneumonia Account for Great Britain, the Local Government Board and the Secretary for Scotland shall out of the Local Taxation Account and the Local Taxation (Scotland) Account respectively, pay to the Cattle Pleuro-pneumonia Account for Great Britain in the proportions provided in the Second Schedule to this Act such additional sums as may be certified by the *Board* of Agriculture to be required for defraying those costs and expenses.

"(3) The regulations contained in the Second Schedule to this Act shall apply to the Cattle Pleuro-pneumonia Account for Great Britain."

NOTE.—The Ministry of Agriculture and Fisheries, which was constituted by the Ministry of Agriculture and Fisheries Act, 1919, now exercises the functions of the former Board of Agriculture.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

FOOT AND MOUTH DISEASE: COMMITTEE OF INQUIRY.

The Minister of Agriculture and Fisheries appointed a small committee to examine into the circumstances of the recent outbreak of foot and mouth disease, to review and report on the slaughter policy and the procedure adopted by the Ministry of Agriculture, to advise whether any further precautions should be taken to guard against the introduction and spread of the disease, and to consider whether a scheme of insurance could be devised as an alternative to the existing system of compensation for slaughtered animals.

CIRCULAR 523.

TO SANITARY AUTHORITIES.

MINISTRY OF HEALTH,
WHITEHALL, S.W. 1.
30th October, 1924.

ANTI-RABIC TREATMENT.

SIR,—I am directed by the Minister of Health to state that in view of the disappearance of the disease rabies in animals in England and Wales, no case having occurred since December, 1921, he has decided that special arrangements for anti-rabic treatment are no longer necessary.

I am accordingly to forward for the information of the Authority the enclosed copy of a revised memorandum on the procedure recommended to be followed in the event of persons being bitten by dogs suspected or ascertained to be rabid. It will be observed therefrom that arrangements may still be made with Professor Dudgeon, Department of Pathology, St. Thomas's Hospital, Westminster Bridge, London, S.E. 1, for anti-rabic treatment with

carbolised vaccine prepared at the Ministry's laboratory, but the cost of the treatment and any other expenses must be borne by the patient or by the Authority.

* * * * * *

I am, etc.

Memo. 95/Med.

MEMORANDUM OF MINISTRY OF HEALTH ON THE PROCEDURE RECOMMENDED TO BE FOLLOWED IN THE EVENT OF PERSONS BEING BITTEN BY DOGS SUSPECTED OR ASCERTAINED TO BE RABID.

(*Revised, October*, 1924.)

1. When persons are bitten by dogs in areas in which rabies in dogs is suspected, the wound should be treated as soon as possible with undiluted carbolic acid, undiluted Izal or similar disinfectant. The disinfectant should be allowed to come into contact with all parts of the wound, and should then be washed out with water or dilute disinfectant. If no disinfectant of the kind is available, the wound should be thoroughly washed and irrigated with hot or cold water. Where it is possible to get the immediate services of a doctor the treatment should be placed in his hands.

2. If the diagnosis of rabies in the dog is confirmed, or notice is received from the Minister of Health that the case should be regarded as one of rabies for purposes of treatment, the person bitten should be urged to secure specific anti-rabic treatment as soon as possible, no matter what local treatment has been applied to the bite. Arrangements for anti-rabic treatment should be made through the Medical Officer of Health of the district in which the patient resides.

3. Persons bitten by stray dogs or by dogs exhibiting unusual behaviour should at once inform the police with a view to the necessary inquiries being made. By arrangement with the Ministry of Agriculture and Fisheries, the names of all persons known to officers of that Department or to the police to have been bitten by dogs suspected of being rabid will be communicated at once to the Medical Officer of Health of the district in which the bitten persons live.

4. As soon as information reaches the Medical Officer of Health that a person in his district has been bitten by a dog suspected of being rabid, the facts of the case should at once be reported to the Senior Medical Officer, Med. I, Ministry of Health, with the following particulars :—

(*a*) Name, age and address of the person bitten ;

(*b*) Date when bitten ;

(*c*) Severity of the bite and part of the body bitten ; the report should state whether the bite penetrated through the skin and caused bleeding ;

(*d*) Name and address of owner of the dog, or other information which will enable the dog to be identified ;

(*e*) Whether rabies in the dog has been diagnosed locally.

5. On receipt of information from the Medical Officer of Health the Minister of Health will ascertain the opinion of the Veterinary Officers of the Ministry of Agriculture and Fisheries on the facts in their possession regarding the suspected dog, and will inform the Medical Officer of Health if the Veterinary Officers advise that the dog is to be regarded as rabid. Should it happen, for reasons which

are unavoidable, that a definite diagnosis cannot be furnished without delay, the Ministry of Agriculture have undertaken to advise the Minister of Health whether the symptoms in the dog are sufficiently suspicious to justify anti-rabic treatment before the confirmatory diagnosis is available, and this information will similarly be forwarded to the Medical Officer of Health. The Medical Officer of Health should await instructions from the Minister of Health before sending patients away for treatment.

6. The following is a brief summary of the principles which should guide a Medical Officer of Health in recommending specific anti-rabic treatment :—

(*a*) There should be evidence that the bite penetrated through the skin and caused bleeding.

(*b*) Treatment should be strongly urged on all persons who have been bitten by animals which are, in the view of the Ministry of Agriculture and Fisheries, affected with rabies.

(*c*) As regards persons bitten by animals captured and killed or kept under observation, in which there is no clinical or post-mortem evidence of rabies, treatment should as a rule be deprecated as unnecessary.

(*d*) As regards the treatment of persons bitten by untraced stray dogs or other animals, distinction should be made between :

(i) Cases occurring in areas scheduled by the Ministry of Agriculture and Fisheries where presumably there is greater risk of the dog being rabid : to cases in this category treatment should be recommended.

(ii) Those occurring outside such areas : here treatment might be suggested but not pressed.

7. When, after consideration of all the circumstances of the case, and after communicating with the Minister of Health as above advised, the Medical Officer of Health is satisfied that anti-rabic treatment is essential, he should advise the patient accordingly. Arrangements for anti-rabic treatment may be made with Professor Dudgeon, Department of Pathology, St. Thomas's Hospital, Westminster Bridge, London, S.E.1.

It should be understood that the hospital does not, except by special arrangement, provide internal accommodation for patients undergoing anti-rabic treatment.

8. The Medical Officer of Health should follow the same procedure in dealing with cases occurring in any of H.M. Services of which he receives notification.

9. In any case where the Medical Officer of Health is satisfied that a person who needs anti-rabic treatment cannot pay for the treatment or stay in London at his own expense for the two or three weeks necessary for the completion of the course, he should at once represent the matter to the council or to the Chairman of the Council in order that the funds required may be provided by the council. The Minister of Health is prepared to sanction reasonable expenditure incurred by the council for this purpose.

10. Attention may again be drawn to the importance of securing all possible expedition in the above procedure.

LIST OF DISEASES OF ANIMALS, ETC., ORDERS OF A PUBLIC AND PERMANENT NATURE MADE DURING 1924 BY THE MINISTRY OF AGRICULTURE AND FISHERIES.

PERMANENT AND GENERAL.

No. of order.	Date of order.	Short title.	
	1924		
2580	23rd January	Foreign Hay and Straw (Amendment) Order of 1924	Still in force.
2838	11th February	Diseases of Animals (Arbitration) Order of 1924	,,
2891	15th ,,	Animals (Landing from Ireland) Order of 1924	Revoked by Order No. 3006.
3152	29th ,,	Amending Foreign Animals Order of 1910..	Revoked by Order No. 3396.
3153	29th ,,	Foreign Hay and Straw (Amendment) Order of 1924 (No. 2)	Revoked by Order No. 3397.
3340	14th March ..	Foreign Animals Order of 1924 ..	Still in force.
3387	1st April ..	Channel Islands Animals (Amendment) Order of 1924	,,
3388	1st ,, ..	Animals (Transit and General) (Amendment) Order of 1924 ..	,,
3396	2nd ,, ..	Amends Foreign Animals Order of 1910..	Revoked by Order No. 3813.
3397	2nd ,, ..	Foreign Hay and Straw (Amendment) Order of 1924 (No. 3) ..	Revoked by Order No. 3814.
4368	28th ,, ..	Foot and Mouth Disease (Disinfection of Vehicles) Order of 1924 ..	Still in force.
3479	1st May ..	Canadian Cattle (Marking) Order of 1924..	,,
3575	11th June ..	Foreign Animals Order of 1924 (No. 2)	,,
3636	5th July ..	Imported Animals Order of 1924 ..	Revoked by Order No. 3832.
3683	25th ,, ..	Amending Animals (Landing from Ireland, Channel Islands and Isle of Man) Order of 1923	Order "spent."
3744	20th August	Foot and Mouth Disease (Amendment) Order of 1924	Still in force.
3375	6th September	Amending Animals (Landing from Ireland, Channel Islands and Isle of Man) Order of 1923	,,
3780	9th ,,	Animals (Transit and General) (Amendment) Order of 1924 (No. 2)	,,
3792	15th ,,	Postpones operation of para. (2) of Article 45 Canadian Cattle Order of 1922	Order "spent."
3813	29th ,,	Amends Foreign Animals Order of 1910..	Revoked by Order No. 3836.
3814	29th ,,	Foreign Hay and Straw (Amendment) Order of 1924 (No. 4)	Revoked by Order No. 3835.
3832	13th October	Imported Animals Order of 1924 (No. 2)	Still in force.
3835	15th ,,	Foreign Hay and Straw (Amendment) Order of 1924 (No. 5) ..	,,
3836	15th ,,	Amending Foreign Animals Order of 1910..	,,
3850	25th ,,	Imported Animals Order 1924 (No. 3)	,,
3862	1st November	Application of Article 45 (2) of Importation of Canadian Cattle Order of 1923 suspended	,,
*3866	4th ,,	Foot and Mouth Disease (Infected Areas) Order of 1924 (No. 164) ..	,,

* This order is not in force except so far as it is applied for the time being by a separate Order of the Ministry.

AREAS OF LOCAL GOVERNMENT.

See also "Parish Councils."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

ROYAL COMMISSION ON LOCAL GOVERNMENT.

The Royal Commission on Local Government held many meetings during the year and took much evidence. They almost finished hearing the evidence submitted to them in regard to the first part of their terms of reference, which was as follows: "To inquire as to the existing law and procedure relating to the extensions of county boroughs and the creation of new county boroughs in England and Wales, and the effect of such extensions or creations on the administration of the councils of counties and of non-county boroughs, urban districts and rural districts."

The Commission are expected to issue a Report of an interim character dealing with these questions before proceeding with the second part of their terms of reference which is "To investigate the relations between these several local authorities, and generally to make recommendations as to their constitution, areas and functions."

IV.—DEPARTMENTAL DECISIONS.

A Village in Two Counties.

A village was in two rural parishes and it was proposed to alter the boundaries of these parishes so that the village should be wholly in one of them. The parishes were in different rural districts, unions, and administrative counties, and a parochial alteration would involve a change in all these areas also.

The Ministry of Health expressed the opinion that it would be competent to a Joint Committee of the two County Councils to make an Order under Sect. 57 of the Local Government Act, 1888, altering the boundaries of the parishes and rural districts and, as an incidental matter, altering the boundary between the two unions, but that they could not alter the county boundary. This could only be done by a Provisional Order of the Ministry under Sect. 54 of the Act to operate at the same time.

Application of Adjustment Moneys.

Any capital sums received by a local authority by way of adjustment or compensation following an alteration of boundary must be treated as capital and applied in such manner as may be sanctioned by the Ministry of Health.

A local authority applied to the Ministry for sanction to apply adjustment moneys to a purpose which, if a loan were raised therefor, would be entitled to a term of ten years only for repayment. The Ministry refused to comply and required the local authority to find some purpose which would spread the benefit to the ratepayers over a period of at least twenty years.

AUDIT.

See "Accounts."

BLIND (THE).

See also "CHILDREN."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

ADVISORY COMMITTEE ON THE WELFARE OF THE BLIND.

It was announced in November that in view of the development in the work among the blind owing to the operation of the Blind Persons Act, 1920, the Minister of Health had re-appointed the Advisory Committee on the Welfare of the Blind for a further period of office. The committee was constituted so as to afford representation to the local authorities concerned with the working of the Act, and to voluntary agencies for the blind, as well as to organised blind workers. The committee will advise the Minister on matters relating to the care and supervision of the blind, including any question that may be specially referred to them by the Minister. Mr. F. M. Chapman, of the Ministry of Health, is the secretary.

IV.—DEPARTMENTAL DECISIONS.

Restriction on Power to provide Treatment or Glasses.

The Ministry held that the Blind Persons Act, 1920, does not authorise the provision by a local authority of treatment or glasses which may prevent a seeing man from becoming blind.

Schools for Partially Blind Children.

The Board of Education stated that they had been considering the proposals of a local education authority for the reorganisation of classes for partially blind children. The Board understood that the authority's proposal related solely to the single class myope schools, and that the suggestion was to place these schools under the general supervision of the head teachers of the public elementary schools in which the myope classes were located. The Board did not consider that this would be a satisfactory arrangement. They were of opinion that the work of the myopic class-teacher was of a specially technical nature and should be carried out under the close supervision and advice of the authority's school medical staff, and they felt sure that as a rule the head teacher of a public elementary school could not usefully advise upon or supervise in any practical sense the teaching of myopic children. In the circumstances the Board did not see their way to agree to the authority's proposal. The Board agreed that co-operation was very desirable between the special teacher of a myopic class and the staff of the public elementary school, both as regards the dovetailing of the work with that of normal children, and the provision for carrying on the special class on those occasions when the special teacher might be absent, but they hoped that there would be no difficulty in continuing, and, if necessary, improving, the existing arrangements by some more informal method than the authority had suggested. The Board suggested in this connection that the authority might well consider whether they could not, in spite of the geographical difficulties to be overcome, amalgamate some of the single myopic classes, and so reduce the number of such classes, especially where any difficulty had arisen.

Maintenance During Training—Question of Grant.

A local education authority having asked the Board of Education whether expenditure in respect of the maintenance of blind persons during training would be recognised for purposes of grant, the Board stated that, in so far as the various forms of assistance were provided by the managers of a recognised institution and were included in the approved fee for the training of day students, the Board were prepared to take the authority's expenditure into account under the Higher Education (Substantive Grant) Regulations—Grant Regulations No. 4—in accordance with the provisions of Article 7 (b) of the Board of Education (Training of Blind, &c., Students, Higher Education) Regulations—Grant Regulations No. 21.

The Board gathered, however, that in the majority of the cases which the authority had in mind, the students were in need of assistance in respect of their maintenance or of travelling expenses, equipment, clothes, medical treatment and other items which were not provided by the managers of the institution or covered by the approved fee, and that any payments made by the authority in respect of such assistance to the students would not be made to the managers of the institution, but would either be given to the students direct or would be made directly on his behalf to some other person or persons. If this was the case, the Board stated that such expenditure could only be taken into account for grant under Regulations No. 4, subject to the conditions and limitations of the Higher Education (Maintenance Allowance Grant) Regulations—Grant Regulations No. 14. Subject to compliance with these regulations, it would be open to the authority to make grants towards the maintenance of blind students attending approved courses at the institutions recognised by the Board.

BRIDGES.

See "HIGHWAYS."

BRITISH EMPIRE EXHIBITION.

See "EDUCATION"; "MINISTRY OF HEALTH."

BUILDINGS.

See also "BYE-LAWS"; "EDUCATION"; "POLICE"; "TOWN PLANNING."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

ORDER IN COUNCIL, DATED 29TH MAY, 1924.

APPOINTMENT BY THE KING OF A ROYAL FINE ART COMMISSION.

* * * * * *

Whereas We have deemed it expedient that touching Our realm of England a Commission should forthwith issue to inquire into such questions of public amenity or of artistic importance as may be referred to them from time to time by any of Our Departments of

State, and to report thereon to such Department; and furthermore, to give advice on similar questions when so requested by public or quasi-public bodies, where it appears to the said Commission that their assistance would be advantageous; and that the said Commission should be known as the Royal Fine Art Commission:

Now Know Ye that We, reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and do by these Presents authorise and appoint you, the said David Alexander Edward, Earl of Crawford and Balcarres (Chairman); George Nathaniel, Marquess Curzon of Kedleston; Sir Aston Webb; Sir Reginald Blomfield; Sir George Frampton; Sir Edwin Landseer Lutyens; David Young Cameron; John Alfred Gotch and Thomas Hayton Mawson to be Our Commissioners in England for the purpose aforesaid:

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment; provided always that three years after the date hereof and every subsequent year thereafter two of your number shall retire from this Our Commission in such order as you shall determine and that to the places thereby made vacant there may be appointed by Warrant under Our Sign Manual such persons as We shall think fit so to appoint:

And We do further ordain that you have liberty to report to Us your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

BURIALS.

See also "POOR LAW."

III.—CASES.

"*Disused Burial Ground*"—*Land Conveyed to Burial Authority*—*Land Useless as Burial Ground*—*Proposed Exchange for New Ground*, *s.* 8 (2).]—By Sect. 1 of the Metropolitan Open Spaces Act, 1881, as amended by the Open Spaces Act, 1887, Sect. 2, and Sched., "The term 'burial ground' shall include any ground, whether consecrated or not, which has been at any time set apart for the purposes of interment." Sect. 4 of the Act of 1887 provides that in the Disused Burial Grounds Act, 1884, "burial ground" shall have that meaning, and that the expression "disused burial ground" shall mean "any burial ground which is no longer used for interments." Sect. 3 of the Disused Burial Grounds Act, 1884, provides that "it shall not be lawful to erect any buildings upon any disused burial ground, except for the purpose of enlarging a church, chapel, meeting house, or other places of worship." A parish council being the duly constituted burial authority for the parish took from the plaintiff, in consideration of a covenant to redeem the tithe rentcharges charged on the land being conveyed and on adjoining land retained by the plaintiff, a conveyance of land "to hold the same . . . according to the true intent and meaning" of the Burial Acts. The land

proved unfit and was never used for interments, and it was never fenced off or consecrated, nor did it adjoin any burial ground. The council agreed with the plaintiff, with the approval of the parish meeting, to exchange the land for other land suitable for use as a burial ground.

HELD— that (1) the land first acquired by the Council had never been "set apart for the purposes of interment" and was not, therefore, a "disused burial ground," so as to be subject to the restriction imposed by Sect. 3 of the Disused Burial Grounds Act, 1884; and (2) the council had power to effect the exchange by virtue of the powers to sell land not required for interments and to buy land for the purposes of interment conferred respectively by Sects. 28 and 26 of the Burial Act, 1852, as extended by Sect. 7 of the Burial Act, 1853.

The correctness of the observations of Kay, L.J., in *Re Ponsford and Newport District School Board*, [1894] 1 Ch. 454, 467; and Bray, J., in *Re Bosworth and Gravesend Corpn.*, [1905] 1 K. B. 403, 409, to the effect that land set apart for the purposes of interments is a "disused burial ground," although never used for interments, doubted.

NICHOLL *v.* LLANTWIT MAJOR PARISH COUNCIL, [1924] 2 Ch. 214; 93 L. J. Ch. 602; 131 L. T 634; 68 Sol. Jo. 718— Tomlin, J.

IV.—DEPARTMENTAL DECISIONS.

Acquisition of all Interests in Land necessary.

A Burial Board having applied to the Ministry of Health for sanction to a loan for the purchase for burial purposes of the fee simple of land, which was subject to a lease, they were advised that if the land was acquired subject to this lease, persons subsequently building houses within 100 yards, or the occupiers of such houses, would be in a position to prevent the use of part of the land for burials. The Ministry suggested that the Burial Board should arrange for the acquisition of both the freehold and leasehold interests.

Provision of Jewish Burial Ground.

A proposal having been put forward for the provision of a Jewish burial ground in an urban district near London the project was strongly opposed by the inhabitants of the district. The ground was not required for the burial of persons resident in the district. Eventually the Ministry of Health refused approval.

BYE-LAWS.

III.—CASES.

Railway Company's Rights.]— At the St. Marylebone Police Court, the Magistrate, gave judgment in a summons brought against the London, Midland and Scottish Railway Co. and John Cochrane and Sons, Ltd., their contractors, by the Hampstead Borough Council, for carrying out sanitary work at the South Hampstead Railway Station in contravention of the bye-laws of the London County Council and the Metropolis Management Act.

On behalf of the Borough Council, it was contended that the Public Health Act, 1921, the Metropolis Management Act, and the bye-laws made under those Acts, could be enforced against the Railway Company, and that the company were not exempt by reason of the provisions of their special Act of

1912. The Borough Council's case under the summonses was that they had power to direct the manner in which the work should be done; to open up the ground and see if the work was done; to require that all the work should be done in accordance with their directions; and to do the work themselves and claim the cost if the company did not do it.

For the defence it was contended that the company's special Act overrode the general Act and gave the right of control to the company alone.

In a written judgment the magistrate followed the decision in the case of the Surrey Commercial Docks Company ("The Times" L. R., 208), and found in favour of the defendants.—The summonses were dismissed.

IV.—DEPARTMENTAL DECISIONS.

Building Line.

The Ministry of Health informed a Rural District Council that the adoption of a bye-law requiring a distance of thirty-six feet from the front wall of new buildings to the opposite side of any street which the buildings may front, in conjunction with the powers contained in Sect. 3 of the Public Health (Buildings in Streets) Act, 1888, would in all cases enable the council to prevent the erection of buildings not intended to be used for human habitation from being erected up to the boundary of old narrow lanes. The Minister considered the combination of powers which would be obtained by a bye-law requiring an open space in front of buildings of a width of thirty-six feet and by an Order putting Sect. 3 of the Act of 1888 in force throughout the district to be too stringent, and he was not prepared to agree to such a combination of powers unless special reasons could be shown. He would, however, be willing to consent to either of the powers as alternatives.

Reducing the Requirements.

The Ministry informed a Local Authority that they thought there was ground for reducing rather than increasing the scope of the requirements imposed on building. Bye-laws for the paving of yards were seldom made now, and bye-laws with respect to the structure of staircases were also seldom made, even in the largest boroughs and urban districts.

CASUAL WARDS.

See "POOR LAW."

CANALS.

See also "HIGHWAYS."

I.—STATUTES.

CANALS (CONTINUANCE OF CHARGING POWERS) ACT, 1924.

15 Geo. 5, c. 2.

[18th December 1924.]

1.—(1) In the case of canal or inland navigation undertakings of which possession was retained or taken by the Minister of Transport under the powers contained in section three of the Ministry of Trans-

port Act, 1919 (*a*), paragraph (*e*) of subsection (1) of that section as amended by subsection (1) of section one of the Canals (Continuance of Charging Powers) Act, 1922 (*b*), (in this Act referred to as the principal Act), shall have effect as if the date of the expiration of this Act were substituted for the fifteenth day of February, nineteen hundred and twenty-five.

(2) Subsections (2) and (3) of section one of the principal Act (*b*) shall continue in force as long as this Act continues in force, and the Rates Advisory Committee constituted under section twenty-one (*c*) of the Ministry of Transport Act, 1919, shall continue in existence so long as may be necessary for the purposes of references under the said subsection (2).

2. * * * * * *

(2) This Act shall continue in force until the fifteenth day of February, nineteen hundred and twenty-six, and shall then expire.

CANCER.

See "DISEASES."

CEMETERIES.

See "BURIALS."

CESSPOOLS.

III.—CASES.

Cleansing of Cesspools—Whether Empowered to Rescind Undertaking]. Where a local authority have voluntarily undertaken the duty of cleansing cesspools in their area, under the provisions of the Public Health Act, 1875, they are not thereby prevented from subsequently rescinding their voluntary undertaking with a view to absolving themselves from the duty of continuing to cleanse the cesspools.

WHITBREAD & Co., LTD. *v.* STAINES R. D. C., [1925] 1 Ch. 89; 94 L. T. Ch. 127; [1924] W. N. 286; 41 T. L. R. 46; 69 Sol. Jo. 177; 59 L. Jo. 696; 158 L. T. Jo. 373—Romer, J.

CHARITIES.

III.—CASES.

School—Charitable Trust—Trade or Business—Annual Profits or Gains—Income from School Fees.]—A. company was formed to carry on an educational college, and by the memorandum of association the income and property were to be applied solely to the objects of the college and no bonus or dividend was to be paid to any member.

(*a*) "Local Government, 1919," p. 399.
(*b*) "Local Government, 1922," p. 119.
(*c*) "Local Government, 1919," p. 415.

The surplus sums received from school fees were applied to reducing mortgage indebtedness incurred in acquiring college property and to extensions and improvements. It was admitted by the Crown for the purposes of the present case that the object for which the college was established was a charitable one:

HELD—that the company was carrying on a trade and was assessable to income tax on the surplus of fees over current expenses.

Decision of Rowlatt, J. (1924), 40 T. L. R. 763, reversed.

BRIGHTON COLLEGE *v.* MARRIOTT, [1924] W. N. 327; 41 T. L. R. 165; 59 L. Jo. 789; 158 L. T. Jo. 451—C. A.

CHARTER OF INCORPORATION.

See "MUNICIPAL CORPORATIONS."

CHILDREN.

See also "EDUCATION"; "EMIGRATION"; "FACTORIES."

I.—STATUTES.

FRIENDLY SOCIETIES ACT, 1924.
14 & 15 Geo. 5, c. 11.

[29th May 1924.]

* * * * * *

2.—(1) Section sixty-two of the Friendly Societies Act, 1896 (*a*) (which relates to assurances on children), both as originally enacted and as applied to trade unions and industrial assurance companies, shall have effect as if for that section the following section were substituted:—

"A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under the ages hereinafter specified any sum of money which exceeds or which, when added to any amount payable on the death of that child by any other society or branch or by any trade union or industrial assurance company exceeds, the amounts hereinafter specified; that is to say:—

(*a*) In the case of a child under three years of age, six pounds;

(*b*) In the case of a child under six years of age, ten pounds;

(*c*) In the case of a child under ten years of age, fifteen pounds."

(*a*) The former s. 62 of the Friendly Societies Act, 1892, was as follows:—

"A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds ten pounds."

(2) Section sixty-five of the Friendly Societies Act, 1896 (*b*), shall have effect as if for the words "five years" there were substituted the words "three years," and as if for the words "ten years" there were substituted the words "six years," and as if at the end of subsection (1) thereof there were inserted the words "or for the payment in the whole of a sum exceeding fifteen pounds on the death of a child under ten years."

(3) Subsection (1) of section four of the Industrial Assurance Act, 1923 (*c*), shall be repealed from the words "except that" to the end of the subsection.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 474.

MINISTRY OF HEALTH,
WHITEHALL, LONDON, S.W.1,
8th February, 1924.

TO COUNTY COUNCILS, ETC.

SIR,—I am directed by the Minister of Health to refer to the Circulars issued by his predecessors in February, 1921 (No. 182) and on the 18th of March, 1922 (No. 295).

The Government have considered the provisions of these circulars in so far as they relate to the grant-aided public health services (maternity and child welfare, tuberculosis, venereal disease, welfare of the blind and port sanitation) and have decided to revert generally to the position which previously existed. The Minister will accordingly be prepared, with the approval of Parliament, to make grants on the prescribed basis for such further development of these schemes as is considered advisable by, and is within the power of, the authority, subject of course to the ordinary process of approval of the particular proposal by the Ministry.

I am, etc.

(*b*) S. 65 of the Friendly Societies Act, 1896, as amended by this Act, will now read as follows:—

"(1) A registrar of deaths shall not give any one or more certificates of death for the payment in the whole of any sum of money exceeding six pounds on the death of a child under three years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under six years, or for the payment in the whole of a sum exceeding fifteen pounds on the death of a child under ten years.

"(2) A registrar of deaths shall not grant any such certificate unless the cause of death has been previously entered in the register of deaths on the certificate of a coroner or of a registered medical practitioner who attended the deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence thereof."

(*c*) The words repealed purported to substitute certain words for words in the former s. 62 of the Friendly Societies Act, 1896, which latter words did not in fact occur. This section accordingly rectifies that legislative error.

CIRCULAR 517.

MATERNITY AND CHILD WELFARE SCHEME AUTHORITIES (ENGLAND).

MINISTRY OF HEALTH,
WHITEHALL, LONDON, S.W.1,
30th June, 1924.

MATERNAL MORTALITY.

SIR,—I am directed by the Minister of Health to call the attention of the local authority to a Report * by Dame Janet Campbell, Senior Medical Officer of the Ministry for Maternity and Child Welfare, on "*Maternal Mortality associated with Childbearing*," recently issued by this Department, in which questions are raised of considerable importance to the public health.

The maternal mortality rate for the country as a whole is equivalent to about four maternal deaths for every 1,000 live births, and this figure has been fairly constant for more than twenty years. Although there has been some reduction in the deaths from puerperal septic infection since the passing of the Midwives Act, 1902, the deaths from other causes and accidents of childbirth have remained sufficiently numerous to prevent any lowering of the average total death rate.

The maternal deaths directly due to childbearing, though greatly to be deplored, represent only one aspect of the sacrifice of life and health which mothers may be called upon to make. The numbers, some 3,000 per annum, are relatively small compared with the total deaths at all ages and from all causes, but these numbers do not adequately portray the magnitude of the issue. In the first place these women are for the most part young and healthy and their loss involves exceptional domestic distress. Secondly, these deaths are indicative of an immense burden of suffering and ill-health among those women who are fortunate enough not to succumb to causes which prove fatal to others. Such deaths are necessarily associated with a large number of infant deaths before, during or shortly after birth, some at least of which might be prevented.

Since 1900, while the maternal mortality rate has remained almost stationary, the infant mortality rate has fallen with astonishing rapidity from 154 to 69 (provisional figure for 1923) per 1,000 births. But the fall has occurred almost entirely subsequent to the first few weeks of life, while the still-birth rate and the death rate during the first month have been scarcely affected at all This neo-natal death rate, which is intimately bound up with maternal death and injury, can be substantially reduced only by measures which are also likely to secure the most efficient practice of midwifery in the widest sense.

The reduction of this maternal and infant death rate is no insoluble problem. The number of deaths remains high mainly because, until recent years, little direct attention has been paid to this question and because even now no sufficiently systematic

* Reports on Public Health and Medical Subjects, No. 25. Copies of this Report, price 1*s.*, may be obtained from H.M. Stationery Office, or through any bookseller.

and vigorous measures are taken to prevent and treat puerperal disease. There must always be certain risks connected with child-bearing, but under favourable conditions they should be relatively negligible. The mother should return to normal health and strength after her lying-in with a healthy baby which she is able to nurse herself. Unfortunately at the present time many women are left with some more or less disabling physical injury which causes ill-health and may lead to difficulty in, or be deterrent to, subsequent confinements. The knowledge that such suffering frequently follows childbirth is bound to add materially to the natural anxiety with which most women regard an approaching confinement. It should be the aim of those responsible for maternity and child welfare services to relieve the prospective mother of unnecessary anxiety and to reduce the risk incurred.

Various suggestions for the prevention and remedy of the present high rate of maternal mortality are set out in the Report mentioned above, many of which are already in operation, though often only in partial degree. Special reference may be made to the following matters :—

Ante-natal supervision.—The most important desideratum of a maternity scheme is to secure the adequate professional care of the expectant mother, but this cannot be done unless (*a*) medical practitioners and midwives are willing to undertake this duty as an essential part of the treatment of every midwifery case which they are engaged to attend, and (*b*) every mother is willing to accept and follow the guidance of her professional attendant. Ante-natal supervision is required primarily to detect and provide timely treatment for abnormal conditions, but it has an almost equally important function, namely, the education of the expectant mother in the care of her own health and in the proper management of her baby when it is born.

Ante-natal supervision may be given partly through the doctor or midwife engaged by the patient but also by means of *Maternity Centres* established by the local authority. The number of such centres has gradually increased and there are now in this country some 560 ante-natal centres organised either independently or in connection with an infant welfare centre or maternity hospital. But there is a need for many more such centres if every expectant mother is to have opportunities for advice. The functions of a Maternity Centre provided by a local authority under the Maternity and Child Welfare Act, 1918, are limited. It is not set up to provide advice and treatment for all diseases of women. The staff of such a Centre are concerned only with the expectant mother and the mother who has been confined recently and requires post-natal advice. They should offer advice as to the hygiene of pregnancy and as to the remedy of the various minor ailments which may arise during this period ; they should ascertain the condition and probable course of the pregnancy and whenever necessary refer necessitous patients for specialist advice and treatment. As regards other gynæcological ailments not directly associated with the pregnancy, the woman should be advised where to go, whom to consult, and how best she may obtain such special treatment as may be needed.

Maternity Beds.—All local authorities should make arrangements for the institutional treatment of complicated midwifery cases and for women whose homes are unfit for a confinement to

take place therein. Provision for the isolation of infective cases is also necessary. Maternity homes may be established by the larger authorities, such as the County and County Borough Councils, but the smaller local authorities are seldom justified in establishing separate homes and they should either combine with other authorities to provide a joint institution or arrange to send patients to an institution elsewhere. Consulting obstetricians may be required in connection with maternity homes or to assist the general practitioner or the midwife.

Domestic midwifery and maternity nursing.—Steps should be taken by the local supervising authorities under the Midwives Acts to promote a high standard of practice by midwives and to assist midwives to maintain their efficiency by attendance at post-certificate courses of instruction or otherwise. Maternity nursing by trained midwives should be encouraged whether a doctor is engaged or not, and the employment of unqualified "maternity nurses" should be controlled as far as practicable. It may be desirable to employ specially skilled nurses for the home nursing of complicated cases.

Investigations.—It is desirable that there should be an investigation in every area by a competent and experienced medical officer of all maternal deaths, and of all cases of puerperal fever and all still-births and neo-natal deaths, with a view to ascertaining and preventing the causes likely to lead to maternal or infant mortality.

Educational measures.—The local authority should take such means as may be practicable to create an informed and enlightened public opinion in regard to this question of maternal mortality, as no arrangements for prevention or treatment can be fully effective unless the intelligent support of those most directly concerned can be obtained.

The Minister will be glad if the local authority will carefully review these suggestions and any others which may appear useful in order that in every area action may be taken which will reduce the risk involved in childbirth; and he suggests that the Medical Officer of Health should be instructed to report upon the steps which are necessary to provide an efficient maternity service in the area of the authority. The Minister will be prepared to consider any proposals of the local authority for this purpose which may be submitted for his approval under the Maternity and Child Welfare Act, 1918.

I am, etc.

The Clerk to the Local Authority.

Second Report on the Work of the Children's Branch.—This document was issued by the Home Office during the year. Copies are obtainable from usual sources, price 1*s.*

CINEMATOGRAPHS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 403.

HOME OFFICE ORDER Dated 8th April, 1924.

By this Order, under Sect. 1 (4) (*a*) of the Celluloid and Cinematograph Film Act, 1922, the Home Secretary prescribed regulations with respect to the use of cinematograph or similar apparatus in cinematograph film stores.

III.—CASES.

Licence—Conditions—Ultra vires—*Reasonable Condition—Breach—Delegation of Powers—Cinematograph Act*, 1909, *ss.* 2, 3.]—A condition of a licence granted to the proprietor of a cinematograph theatre by the London County Council was as follows: "That no film other than photographs of current events which has not been passed for 'universal' exhibition by the British Board of Film Censors shall be exhibited in the premises without the express consent of the council during the time that any child under, or appearing to be under, the age of sixteen years is therein: provided that this condition shall not apply in the case of any child who is accompanied by a parent or *bonâ fide* adult guardian of such child."

Held—(1) adopting the *dicta* in *Ellis* v. *Dubowski*, [1921] 3 K. B. 621, that, since a power to grant express consent was reserved to the council, the delegation of the power of supervision to the British Board of Film Censors was not *ultra vires*; (2) that the condition was not so vague as to be unreasonable.

Mills *v.* London County Council, [1925] 1 K. B. 213; 94 L. J. K. B. 216; [1924] W. N. 302; 41 T. L. R. 122; 59 L. Jo. 775; 158 L. T. Jo. 410; 88 J. P. Jo. 702—Div. Ct.

CLERK OF THE PEACE.

See "Officers."

CLOCKS.

I.—STATUTES.

See under "Act of Parliament," as to the continuance by the Expiring Laws Continuance Act, 1924, of the Summer Time Act, 1922.

COMBINATIONS OF LOCAL AUTHORITIES.

IV.—DEPARTMENTAL DECISIONS.

Joint Board or Joint Committee.

The Ministry explained in more than one case that a Joint Committee was less satisfactory than a Joint Board, when works of magnitude such as sewerage were proposed for several districts in combination.

A Joint Committee cannot borrow money, hold land, or sue or be sued; everything other than management has to be done through the constituent authorities. For minor matters, however, such as the provision of a joint pleasure ground or joint fire brigade, it is not necessary or desirable to set up a new authority in the shape of a Joint Board, and that a combination under Sect. 285 of the Public Health Act, 1875, with possibly a Joint Committee under Sect. 57 of the Local Government Act, 1894, is sufficient for practical purposes.

COMMONS, OPEN SPACES, AND RECREATION GROUNDS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 1157.

COMMON, ENGLAND.

REGULATION OF COMMONS.

THE COMMONS REGULATIONS, 1924. DATED 4TH OCTOBER, 1924.

1. A scheme made by a council under the Commons Act, 1899, shall be in the form set forth in the schedule to these Regulations, subject to such modifications, if any, as shall appear to the council to be necessary or expedient and as shall be approved by the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister").

2. Notice of the intention of a council to make a scheme under the said Act shall be given by the council in manner following:—

(*a*) By inserting an advertisement in the form set forth in the Schedule to these Regulations or to the like effect in at least one newspaper having a wide circulation in the neighbourhood of the common affected by the scheme—the advertisement to be twice inserted with an interval of not less than one week between the insertions.

(*b*) By posting copies of the notice at two or more places on the common.

(*c*) By service of a copy of the notice upon the council of every parish in which any part of the common is situate; and

(*d*) By registered letter sent to every person entitled, as Lord of the Manor or otherwise, to the soil of the common, and addressed to his usual or last known place of abode: provided that where the persons so entitled are numerous or cannot after diligent inquiry be ascertained the Minister may dispense with such notice.

Whenever His Majesty is so entitled, the notice shall be sent to the Commissioners of Woods and Forests, unless His Majesty is so entitled in right of the Duchy of Lancaster, in which case it shall be sent to the Chancellor of the Duchy of Lancaster.

Whenever the Duke of Cornwall is so entitled, the notice shall be sent to the Lord Warden of the Stanneries.

3. Copies of the draft scheme shall be placed on sale at the office of the council making the scheme at a price not exceeding sixpence per copy.

4. The plan referred to in a draft scheme shall be deposited at the office of the council making the scheme, and shall be available for inspection by any person interested in the scheme at all reasonable times.

5. These Regulations shall come into operation on the tenth day of October, one thousand nine hundred and twenty-four, and may be cited as the Commons Regulations, 1924.

6. All Regulations heretofore made under the provisions of the Commons Act, 1899, are hereby revoked except as to any proceedings taken under any such Regulations.

* * * * * *

SCHEDULE.

FORM I.

FORM OF SCHEME.

1. The piece of land with the ponds, streams, paths, and roads thereon, commonly known as . Common, situate in the parish of in the County of and hereinafter referred to as "the common," as the same is delineated in a plan sealed by, and deposited at, the office of the District Council of , hereinafter called "the council" and thereon coloured green, being a "Common" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this scheme, and the management thereof shall be vested in the council.

2. The powers of the council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the council shall apply to all such persons as in the judgment of the council may be necessary and proper for the preservation of order on and the enforcement of bye-laws with respect to the common and otherwise for the purposes of this scheme, and the council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

3. The council may execute any necessary works of drainage, raising, levelling, or fencing, or other works for the protection and improvement of the common, and shall preserve the turf, shrubs, trees, plants, and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament, and may place or erect seats, shelters, pavilions, drinking fountains and conveniences upon and light the common and otherwise improve the common as a place for exercise or recreation; but the Council shall do nothing that may otherwise vary or alter the natural features or aspect of the common or interfere with free access to every part thereof, and shall not erect upon the common any shelter, pavilion or other building without the previous consent of the person entitled to the soil of the common.

4. The Council shall maintain the common free from all encroachments, and shall not permit any trespass on or partial or other enclosure of any part thereof.

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any bye-laws made by the council under this scheme.

6. The [*here insert description of any particular trees or objects of historical scientific or antiquarian interest*] are, so far as possible, to be preserved by the council.

7. The council shall have power to repair and maintain the existing paths and roads on the common and to set out, construct, and maintain or authorise the construction and maintenance of such new paths and roads on the common as appear to the council to be necessary or expedient, and to take any proceedings necessary for the stopping or diversion of any highway over the common.

8. The council may, for the prevention of accidents, fence any quarry, pit, pond, stream, or other like place on the common.

9. The council may set apart for games any portion or portions of the common as they may consider expedient, and may form cricket grounds and may allow the same to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

10. The council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of Sect. 10 of the Commons Act, 1899, make, revoke, and alter bye-laws for any of the following purposes, viz. :—

(*a*) For prohibiting the deposit on the common, or in any pond or stream thereon, of road-sand, materials for repair of roads, dung, rubbish, litter, wood or other matter.

(*b*) For prohibiting any person without lawful authority from digging, cutting, or taking turf, sods, gravel, sand, clay, or other substance on or from the common and from cutting, felling, or injuring any gorse, heather, timber, or other tree, shrub, brushwood, or other plant growing on the common.

(*c*) For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling, and taking trees or underwood on or from the common in exercise of any right of common or other right over the common.

(*d*) For prohibiting the injury, defacement, or removal of seats, shelters, pavilions, fences, notice-boards, or other things put up or maintained by the council on the common.

(*e*) For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices on trees or fences, erections or notice-boards on the common.

(*f*) For prohibiting any person without lawful authority from bird catching, setting traps or nets, or liming trees or laying snares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game or other animals on the common.

(*g*) For prohibiting or regulating the drawing, driving or placing upon the common without lawful authority of any carriage, cart, caravan, truck, motor vehicle, motor cycle, aeroplane, flying machine or other vehicle, and the erecting or permitting to remain on the common, without the consent of the council or other lawful authority, of any building, shed, tent, fence, post, railing, or other structure, whether used in connection with the playing of games or not.

(*h*) For prohibiting (except in the case of a fair lawfully held) or regulating the placing on the common of any photographic cart, or of any show, exhibition, swing, roundabout, or other like thing.

(*i*) For prohibiting or regulating the lighting of any fire on the common.

(*j*) For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the common.

(*k*) For regulating games to be played and other means of recreation to be exercised on the common, and assemblages of persons thereon.

(*l*) For regulating the use of any portion of the common temporarily enclosed or set apart under this scheme for any purpose.

(*m*) For prohibiting or regulating horses being exercised or broken in without lawful authority by grooms or others on the common.

(*n*) For prohibiting or regulating the landing or departure of any aeroplanes and flying machines on or from the common.

(*o*) For prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep, or other animals.

(*p*) For prohibiting any person from bathing in any pond or stream on the common save in accordance with regulations made by the council.

(*q*) Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the common or to interference with the use thereof by the public for the purposes of exercise and recreation.

(*r*) For authorising any officer of the council, after due warning, to remove from the common any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of any bye-law made under this scheme or to exclude from the common any person who within his view commits, or whom he reasonably suspects of committing an offence against any such bye-law or against the Vagrancy Act, 1824.

(*s*) For prohibiting the hindrance or obstruction of an officer of the council in the exercise of his powers or duties under this scheme or under any bye-laws made thereunder.

11. All bye-laws made under this scheme shall be published on notice-boards placed on such parts of the common (not less than) as to the council may appear desirable.

12. Nothing in this scheme or any bye-law made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common or of any person claiming under him which is lawfully exercisable in, over, under, or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

13. Printed copies of this scheme and of any bye-laws made thereunder shall at all times be sold at the office of the council to all persons desiring to buy the same at a price not exceeding sixpence each.

FORM II.

FORM OF NOTICE.

Commons Act, 1899.

NOTICE is hereby given that the Council intend to make a scheme under the above Act for the regulation and management of COMMON in their district with a view to the expenditure of money on the drainage, levelling and improvement of the common, and to the making of bye-laws and regulations for the prevention of nuisances and the preservation of order thereon.

Copies of the draft of the scheme may be obtained (price [not exceeding] sixpence per copy) and the plan therein referred to may be inspected at the offices of the Council.

Any objection or suggestion with respect to the scheme or plan may be sent, post free, to the Secretary, Ministry of Agriculture and Fisheries, 10, Whitehall Place, London, S.W.1, within three months from the date of this notice.

Clerk of the above Council.

October, 1924.

Report from the Select Committee on Commons. [131].—This Report, which was issued by a Select Committee appointed by the House of Commons to report upon every Provisional Order presented to the House by the Ministry of Agriculture and Fisheries for the enclosure or regulation of a Common, deals with a Provisional Order affecting Old Hills Common, Worcestershire, and contains the minutes of evidence. The Committee recommended that the Order should not be confirmed.

Annual Report of Proceedings under the Tithe, Copyhold, Inclosure, Commons, and other Acts for the year 1923.—This Report was issued by the Ministry of Agriculture and Fisheries in June 1924. Copies are obtainable, price 2*s*.

IV.—DEPARTMENTAL DECISIONS.

Proposal to Place Houses on Recreation Ground.

In reference to the proposal of an urban district council to appropriate a portion of their recreation ground for housing purposes, the Ministry of Health stated that they were prepared to entertain an application for their sanction, but it would be necessary to satisfy the Department that the site for the houses was not needed for recreation ground purposes.

Exchange of Part of Pleasure Ground for other Land.

A Town Council acquired, by deed of gift, a pleasure ground to be held under the Public Health Act, 1875, and desired to exchange with the donor an unsuitable part of the ground for other land. There was a question whether the land to be given up to the donor would be free from the condition imposed by the deed, but the Ministry of Health decided, after consultation with the Charity Commissioners that, subject to a proper release of covenants being obtained, the exchange could be effected as proposed. The Ministry had, however, no power to decide such legal points.

CONSTABLES.

See "POLICE."

CONTRACTS.

III.—CASES.

Corporation—Contract not Under Seal — Executed Consideration — Work Done at Request of Corporation — Housing Scheme — Public Health Act, 1875, *s.* 174—*Housing of the Working Classes Act*, 1890, *Part III., s.* 56—*Housing, Town Planning, etc, Act*, 1919, *s.* 1.]—By Sect. 56 of the Housing of the Working Classes Act, 1890 (the carrying into execution of which Act is now made compulsory on all local authorities under Sect. 1 of the Housing, Town Planning, etc., Act, 1919), the local authority may, for the purpose of carrying it into execution, "exercise the same powers whether of contract or otherwise as in the execution of their duties . . . in the case of sanitary authorities under the Public Health Acts . . ." (*sic*):

HELD—that the words of that section must be read distributively, and as meaning that if the local authority's district is an urban district it shall have the same power of contracting that an urban sanitary authority has under the Public Health Acts, and if its district is a rural district the power which a rural sanitary authority has under those Acts, with the result that in the former case the authority cannot, when acting under the Housing of the Working Classes Act, 1890, contract otherwise than under its common seal if the value or amount of the contract exceeds £50.

NIXON *v.* ERITH URBAN DISTRICT COUNCIL, [1924] 1 K. B. 819; 93 L. J. K. B. 756; 131 L. T. 303; 88 J. P. 115; 40 T. L. R. 373; 68 Sol. Jo. 537; 22 L. G. R. 448—C. A.

CORONERS.

I.—STATUTES.

See under "Act of Parliament" as to the Continuance of the Coroners (Emergency Provision) Act, 1917, by the Expiring Laws Continuance Act, 1924.

DEVELOPMENT.

See also "FORESTRY"; "TOWN PLANNING."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

THE DEVELOPMENT COMMISSION.

(*Extract from the "Justice of the Peace" of 9th February*, 1924.)

"Amongst the minor Government departments which have come into being in recent years none is doing more useful work than the Development Commissioners. The Commission owes its existence to the Development and Road Improvement Funds Act, 1909, which has for its general aim 'the economic development of the United Kingdom and the improvement of roads therein.' The objects of the Commission, as indicated in their thirteenth annual report, recently issued, include assistance by way of grant or advance to local authorities for agricultural education and the provision of scholarships for the children of agricultural workers. The Commissioners are also empowered to make compulsory orders for the purchase of land for road improvements under Sect. 11 of the Act of 1909, and during the year 1923 several such orders were issued.

Two local authorities, which have been troubled by coast erosion —Scarborough Corporation and Barmouth Urban District Council— applied to the Commissioners during the year for advances in aid of sea defence works. In both cases the Commissioners, while admitting the serious nature of the situation, felt bound to refuse the application. They regard it as 'outside their province to assist in averting or repairing damage which threatens urban and residential property only, though recommendations to the Treasury for advances have been made where the land to be protected was agricultural.'

The report gives a glimpse of manifold activities on the part of the Development Commission, though we are inclined to the conclusion that in several directions their work overlaps that of other departments, such, for example, as the Ministry of Transport and the Board of Education."

Report of Development Commissioners for year ended 31st March, 1924.—This Report was issued in July, 1924, and copies are obtainable, price 4*s.* net.

DISEASES (NOTIFICATION AND PREVENTION OF).

See also "CHILDREN"; "VACCINATION."

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of Sect. 5 of the Local Government (Emergency Provisions) Act, 1916, relating to the notification of diseases occurring in Government buildings.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 476.

TO LOCAL AUTHORITIES.

MINISTRY OF HEALTH,
6th March, 1924.

CANCER.—ii.

SIR,—1. I am directed by the Minister of Health to refer to the Memorandum on Cancer * for the guidance of local authorities, which was issued from this Department in August last (Circular 426), and to state that he considers it desirable to supplement the information therein contained, as occasion permits, by additional memoranda on the same subject. That now annexed relates to the effects of radium and X-rays upon normal and cancerous tissues, and has been prepared by the Departmental Committee on Cancer. The composition of this Committee, as stated in the previous circular, is as follows :—

* * * * * *

The Committee have considered it essential to obtain reviews which summarise and bring into focus the position of modern knowledge and practice in regard to different aspects of cancer, its causation, prevention and treatment, and they are obtaining these reviews by the work of their own members, by special Sub-Committees, and in other ways as the case requires, drawing freely in the process on the assistance of physicians, surgeons, pathologists and other experts whose invaluable aid is gratefully acknowledged.

2. Some of these monographs, as available, will be found useful, not only to medical men who have not had occasion or time to give detailed study to the subject in hand, but also perhaps to the wider public interested in the efforts now being made to combat cancer, including public health authorities and hospital managements, and other bodies referred to in the previous Memorandum on Cancer (Circular 426).

* *See* "Local Government, 1923," p. 101. Copies of each Circular are obtainable from usual sources for a small sum.

3. The Committee are indebted to Professor Lazarus-Barlow for the present monograph. They propose shortly to submit for issue another, on the evidence of the results of surgical operation on cancer of the breast, and to follow this by additional monographs for which similar publicity seems likely to be useful.

* * * * * *

I am, etc.

MEMORANDUM ON THE EFFECTS OF RADIUM AND X-RAYS UPON NORMAL AND CANCEROUS TISSUES.

A.—Early Investigations and Conclusions.

In the case of a condition like cancer that medical experience has found to be little amenable or entirely resistant to treatment, in some cases even to drastic treatment with the knife, it is intelligible that recourse should be had to any newly discovered agency without delay. It thus happened that but a few months elapsed between the discovery of X-rays and radium and their employment, empirically, in cancer treatment. From the first, cases were described in which benefit accrued from their use, and extravagant hopes were held. Such pioneer work was not without its attendant disasters. Knowledge of the properties of the radiations was wanting, even among the physicists who discovered them, their effects upon the animal cell were undetermined, and the complexity of cancer was less well appreciated than at the present day. Along with published cases of benefit ascribed to their use, workers in the subject knew of cases—even more numerous, perhaps—in which harm had been done. Sometimes the cancer after irradiation appeared to take on an enhanced rate of growth, sometimes there was local retrogression but constitutional distress so severe that the patient succumbed, often there was a temporary retrogression followed by an increased rate of growth, still more often the course of the disease appeared to be uninfluenced. Then cases began to appear of a chronic superficial inflammation on the hands of the pioneer workers with X-rays, and as time went on many of these inflammatory conditions became cancerous. The natural sequence of idea that if some benefit resulted from use of the small quantities of rays available, greater benefit would result from use of larger doses, led to the production of X-ray and radium "burns" in patients. But from all these observations there crystallised out certain well-defined facts.

1. It became clear that all varieties of cancer were not equally amenable to irradiation. By this time, too, the peculiar amenability to X-rays and radium of rodent cancer, a superficial, slowly growing variety which destroys the tissues locally and does not tend to become disseminated, had received so ample a demonstration that its curability by these means was regarded as proved. Subsequent study showed this to be an incomplete truth, for it had to be recognised that involvement of cartilage or bone by the cancer proved a formidable opponent to recovery, the reason for which is not fully clear even at the present day.

2. It became clear that X-rays were not an entity, but that just as white light is composed of rays having different wavelengths corresponding with the colours of the solar spectrum, so the

invisible X-rays were of different wave-lengths. It was recognised that while cancer cells differed in many ways from one another, X-rays from one part of the X-ray spectrum differed from those in another part of the spectrum to an even greater degree. Thus there early arose the distinction of "soft" X-rays with relatively "long" wave-length and low penetrating power from "medium" rays, and "hard" X-rays with relatively short wave-length and high penetrating power.*

3. By this time the work of physicists had established a mass of facts concerning the radioactive elements, notably that radium undergoes a series of spontaneous disintegration changes which are associated with the expulsion of positively charged alpha particles, negatively charged beta particles, and ether pulsations resembling the X-rays. Similarities between the rays from radium and X-rays were noted immediately; differences were detected at a later date. Hence it was at first assumed that the two sources of radiation would be interchangeable in their applicability, and it was thought that the much greater output of rays from the X-ray bulb and the high cost of radium would cause the disuse of radium. Later investigations have not substantiated this view, and at the present time each agent of radiation has its own more or less well-defined region of applicability, while sometimes a combination of the two is more effective than either used singly.

4. It became clear that the action of radiations upon a group of cancer cells regarded as a new growth was not identical with that upon cancer regarded as a disease. Regarded as a disease, the ill-effects of cancer largely depended upon the pain, the ulceration, the hæmorrhage, or the fœtid discharge to which the new growth gives rise in its extension. Even though the duration of the disease were unmodified by treatment with X-rays or radium, there was ample evidence that by their use the lot of the patient was often rendered more endurable. Pain was not so severe, discharge diminished and became less offensive, hæmorrhage was controlled. Sometimes a growth which was too extensive for surgical treatment when first seen retrogressed sufficiently for operation to become possible.

5. It became clear that whatever the degree of amenability of a growth to irradiation in the first instance, it became less responsive to irradiation on subsequent occasions. In consequence, the principle was adopted of administering the full dose of irradiation in the shortest possible time consistent with the safety and comfort of the patient.

6. Lastly, it became clear that research was necessary upon the response of animal cells of all kinds to the varieties of radiation represented by soft, medium, and hard X-rays, and alpha, beta, and gamma radiations from radium. More or less synchronously some attention was given to the biological properties of ultra-violet light, which consists of rays whose wave-length is greater than that of the softest X-rays, and to the radiations from mesothorium, which compare with the rays of radium.

* For purposes of comparison it may be pointed out that green light of the solar spectrum has a wave-length of about $\frac{1}{2000}$ millimetre, whereas the wave-length of rays in the middle of the ultra-violet region is about $\frac{1}{4000}$ mm., that of soft X-rays about $\frac{1}{20000000}$ mm., that of hard X-rays about $\frac{1}{200000000}$ mm., and that of hard gamma rays of radium about $\frac{1}{5000000000}$ mm.

B.—Later Investigations and Conclusions.

Frequently an investigation which was undertaken later in time was explanatory of a general observation made at an earlier date. Thus the discovery that cells in active division are much more vulnerable by radiations than resting cells explained at least in part, the fact that rapidly growing cancers often react better to X-ray or radium treatment than those which grow slowly. So, too, the different behaviour of some varieties of growth under radium treatment received a partial explanation when it was found that profound differences follow the administration of a given dose of radiation from radium according as the quantity of rays was great and the duration of exposure short, or the quantity of rays was small and the duration of exposure long. Both of these observations have been applied practically with advantage.

The casual nature of much of the pioneer work on the therapeutic use of radiations, together with the absence of fundamental data or precautions, much impairs its value. Difficult as it is in medicine to obtain fully comparable cases for test purposes, it is even more difficult to draw conclusions as to the value of any given remedial agent when the fundamental data are wanting. During the past twenty years hundreds of papers have been published upon the use of radium in cancer in which no mention has been made of such fundamental points as microscopical character of the growth, quantity of radium used, distribution of the radium in the applicator, length of exposure, nature and thickness of the filter through which the rays have to pass before they reach the cancer cells, and distance from the focus of irradiation to the periphery of the growth. When it is recognised that, quite apart from differences on the biological side, the character of the rays is altered by the density and thickness of the filter through which they pass, and that radiation from a point source falls off in intensity approximately as the square of the distance, any given beneficial result recorded in the papers referred to appears to be fortuitous, and imitation appears to be hopeless. The astonishing point is, not that there have been failures to repeat results, but that the evidence for a beneficial value of radiotherapy in cancer is as great as it is.

Passing to a more systematic account of the biological action of radiations, reference may be made to investigations into their effects upon (1) normal cells and tissues; (2) cells of new growths, whether malignant (cancer) or non-malignant, and (3) cancer as a disease, where the radiations act on cancer cells intermingled with non-cancerous cells in an individual abnormal because the subject of disease.

In large measure it is impossible to consider X-rays and radium rays separately owing to the lacunæ in our knowledge, but there is reason to believe that much that is true for gamma rays of radium is also true for hard X-rays, and that to some degree the same obtain for beta rays and soft X-rays.

(1) The Effects of Radiations upon Normal Cells and Tissues.

Taking the cell as the fundamental unit in every vegetable and animal tissue, it has been found that its central portion or nucleus

with its contained specialised elements (chromosomes) and its main body (cytoplasm), with any secretion products it may contain, are liable to show changes after exposure to rays. It is uncertain how far such changes as are observed are directly produced by the rays, how far they are indirect. In the case of the red blood corpuscle when exposed to bombardment by alpha rays of radium, it is possible that the impact of the alpha particle makes veritable holes in the surface of the cell, through which the contents escape. But, relatively, the mass of the alpha particle is so enormous, and the velocity with which it moves so slow, that a similar action by the beta particle and the gamma ray must not be assumed. In the case of beta and gamma radiation, and of X-rays, the initial change may be chemical, and such changes as are revealed by the microscope, secondary to those. It is known that radium and X-rays break up certain chemical substances into simple constituents—water into hydrogen and oxygen, starch into dextrin and sugar. If such changes were produced in a cell, its constitution would be altered, and changes would occur subsequently that might well manifest themselves by alterations in shape, degenerative changes, or even death. It is also unknown whether gamma rays act directly or by virtue of the beta rays to which they give rise when striking any substance. Be these as they may, there is no doubt that nucleus or cytoplasm or both may become dropsical or show isolated clear spaces (vacuoles) after exposure to irradiation; that the rod-like chromosomes become irregular in shape, or granular, and divide irregularly; that the framework of the nucleus, instead of showing an even arrangement, becomes collected into irregular heaps; that the material formed by secreting cells is altered in quality or quantity; and that the cytoplasm may undergo degenerative changes, chiefly mucoid. These are early changes. A day or two later, if the irradiation has been severe, dying and dead cells, and fragments of nuclei or cells are seen; or a structureless mass of material may be the sole representative of the former living cells. If the irradiation has not been too severe, signs of recovery become manifest, and there is evidence that the damaged cells are being removed.

Changes such as those described, when occurring over a large area, lead to profound disintegration of tissue. Thus the lining membrane of the intestine, through its whole length, dies and is cast off when a rat has been exposed to a very large amount of gamma radiation; and the destructive changes produced in the early part of the exposure, while the cells are still living, lead to hæmorrhage from the smaller bloodvessels, and a great outpouring of mucus from the mucus-forming cells of the gut. The cells composing the muscular wall are injured, and the gut eventually becomes paralysed. Under these conditions the normal power of the lining membrane of the intestine to inhibit the entry into the system of bacteria present in the intestinal contents is lost, and absorption of the poisons elaborated by these bacteria aids in bringing about death.

The example given above bears directly upon the modern question of treating deeply seated abdominal new growths by large doses of highly penetrating (hard) X-rays. Before the great radiosensibility of the intestine was recognised, cases had occurred in which the medical practitioner, in his endeavour to irradiate sufficiently a cancer of the womb, had damaged the intestine to such an

extent as to be a grave disadvantage, and in a few cases fatal, to the patient. At the present time this danger is well recognised and guarded against.

It has been shown that cells and tissues manifest great differences in the degree to which they are affected by rays. The radiosensibility of the lymphocyte of the blood and lymphatic glands is so great that an intense destruction occurs within an hour after a slight exposure of the animal to gamma rays; cells of the pancreas and thyroid, on the other hand, appear to be unchanged, even after severe irradiation; and brain cells are unaltered except under large doses. The behaviour of the same variety of cell differs in different animals. In the domestic cat, where fatty conditions are common in the kidney, gamma radiation leads to a profound fatty degeneration in the secreting cells of that organ, which has no parallel in any other species of animal hitherto examined. In the rat and in man voluntary muscle shows a marked proneness to degenerative changes of a fatty nature that does not occur in the frog the rabbit or the cat.

Differences of a like kind obtain even with cells commonly regarded as belonging to a single class. Endothelial cells lining bloodvessels show few changes, while those lining certain of the large spaces of the body, or covering the stomach and intestines, show intense desquamation, and this in the same animal exposed to a single dose of gamma radiation. Indeed, there is some reason to believe that voluntary muscles in one and the same animal differ in their liability to undergo the fatty degeneration referred to above. In all such cases, however, caution in deduction is necessary by reason of the different distances of the muscles considered from the focus of irradiation, and the consequent variation of the dosage.

In the main, the conclusions set forth above have been derived from experiments in which a solid radium salt or an X-ray bulb has been used as the source of radiation. Where radium emanation has been used, whether as a gas or in solution, the results are modified only in so far as the alpha particles come into play. Owing to the ease with which they are stopped—they cannot penetrate aluminium foil 0·1 mm. in thickness—their effects are limited strictly to the surface with which they have come in contact. Subject to this condition, their biological effect is approximately one hundred times as great as that of the beta rays, and ten thousand times that of the gamma rays discharged from the same mass of radium. By most authorities it is held that the quality of the changes produced in living cells by alpha, beta, and gamma rays is the same, the effects being dependent upon the amount of energy absorbed in any particular case. Recently, however, some doubt has been cast on this view.

Hitherto, in this section, reference has been made to injurious or destructive effects of radiations upon cells, and these are undoubtedly conspicuous. In certain instances, however, it has been found possible, by using minute doses of rays, to stimulate cells to increased rapidity of division. There is some evidence also that a muscle and nerve, under slight radiation, are stimulated, so that the muscle is rendered capable of putting out more work. The point is one of great importance in the radiotherapy of cancer.

(2) THE EFFECTS OF RADIATIONS UPON CELLS OF MALIGNANT AND NON-MALIGNANT NEW GROWTHS.

The cells of new growths, though atypical, carry many of the properties of the normal cells from which they arose; and many of the phenomena observed in normal cells, after irradiation, obtain in cells of new growths also. Just as the lymphocyte has been found to be intensely radio-sensitive, so new growths built up of masses of lymphocytes, whether non-malignant (lymphoma) or malignant (lymphosarcoma), respond to irradiation by enormous destruction of the constituent cells. Microscopical examination of such a growth shortly after irradiation shows far fewer lymphocytes and a great accumulation of broken-down material derived from the nuclei of the cells. In the same way, the three varieties of carcinomata—that great group of cancers built up of cells whose normal correlatives are represented by (*a*) the squamous or flattened cells of external skin, (*b*) the columnar cells lining ducts, and (*c*) the spheroidal secreting cells of glands—show alterations under radium or X-rays analogous to those undergone by their prototypes. Thus, after irradiation, the cancerous squamous cell shows vacuolation of nucleus and cytoplasm, irregular heaping or fragmentation of the nuclear framework, and great variability in size and shape of nucleus or of entire cells; the cancerous columnar cell shows nuclear changes, and a marked tendency for the cytoplasm to undergo mucoid degeneration; and the cancerous spheroidal cell shows nuclear changes ranging from ghost-like forms to a few points of débris, or even to complete disappearance, while the cytoplasm gives plentiful evidence of vacuolation.

In the case of the sarcomata—that great group of cancers built up of cells whose normal correlatives are represented by fibrous tissue, cartilage, bone, and the supporting structures generally—the cells, like their prototypes, show general rather than particular changes after irradiation. It is undoubted that death of the cells and an intense mucoid degeneration take place, often over large areas.

Comparison of the behaviour of sarcomatous cells with that of their prototypes, after irradiation, is difficult, because, in the sarcoma, cells are numerous and inter-cellular substance scanty, whereas in the corresponding normal tissue cells are few and inter-cellular substance is voluminous. But just as it has been found that the cell in division is far more vulnerable by radiations than the resting cell, so it has been found that young cells are more vulnerable than adult cells. Further, there is evidence that the fibrous scaffolding formed at the expense of the cells, and lying between them as an interlacing network, itself undergoes change as the result of irradiation. It follows that in the normal tissue prototypes of sarcomata, changes of inter-cellular substance are more conspicuous than those of cells, whereas the contrary obtains in the sarcomata themselves. On the other hand, a glassy alteration of fibres constituting the scaffolding itself, identical with that resulting from the irradiation of normal fibrous tissue, is of common occurrence in all new growths that have been subjected to large doses of radium or X-rays.

From what has been said it would appear that the effects of irradiating sarcoma cells depend rather upon the youth of the

cells themselves, and the rapidity with which they attain full size and undergo division, than upon any peculiar radio-sensibility of that variety of cell as such. It is in accord with this view that wide differences obtain between the amenability to radio-therapy of the numerous different varieties of sarcoma.

The third great group of cancers (endotheliomata), built up of cells whose prototype is the endothelial cell which lines the great spaces of abdomen, chest, skull, and spinal column, and the great and small bloodvessels and minute channels in the solid tissues of the body, has its own peculiarities in its reaction to radiotherapy. It has been noted above that the reaction of endothelium to gamma radiations appears to differ in different parts of the system. In all instances in which changes have been observed, loss of cohesion and desquamation of individual cells or tracts of cells are striking, but actual changes in the cells themselves are inconspicuous, while in some regions they appear to be unaltered, even by severe irradiation. The difference between the reaction of the lymphocyte and the endothelial cell under identical radiation is well seen on examining under the microscope a thin section of a lymphatic gland from an animal which has been exposed to heavy gamma radiation. In such a section the lymphocytes are universally fragmented, the endothelial cells apparently normal. From these observations it may be inferred, not only that a radiation treatment which would be effective for a new growth built up of lymphocytes would almost certainly be ineffective for one built up of endothelial cells, but also that in the case of endothelial growths themselves amenability to radiation treatment would vary within wide limits. This is found to be true, some endotheliomata responding well to radiotherapy, others hardly at all.

Investigation into the behaviour of normal cells under irradiation has thrown light upon the reaction to rays of two other varieties of new growth. The first of these is built up of cells whose prototype is the voluntary muscle cell, and the growth in question constitutes the commonest non-malignant tumour of the womb (fibro-myoma). Under irradiation this type of new growth often shows remarkable diminution in size, but it is not yet certain whether the rays directly influence the tumour cells, or whether the effect is indirect and dependent upon ovarian changes resulting from participation of the ovary in the irradiation to which the tumour was subjected. The second variety of tumour is a malignant new growth of the testicle (seminoma). It has been shown that this tumour is built up of cells of which the prototype is found in the secreting tubules of the testicle. In the normal animal these cells are amongst the most radio-sensitive known, particularly to X-rays, and in accordance with this fact the seminoma is a type of growth which reacts better towards radiation treatment than many others.

(3) The Effects of Radiations in Cancer as a Disease.*

When the effects of radiations in cancer as a disease come under consideration we are confronted by the fact that the cancer cells,

* An important use of X-rays which is somewhat closely bound up with the present subject is concerned with diagnosis. It is unnecessary to insist that accurate diagnosis lies in the forefront of any attempt to treat cancer. In all the deeper parts of the body the difficulty of diagnosis is increased, and the special properties of X-rays have been

though often agglomerated in masses towards the centre of the growth, are present singly or in small groups or strands at the periphery. At the periphery, not only are these small groups of cancer cells present in the midst of normal and more or less healthy tissues of the body, but, being the outlying colonists, they are the youngest and most actively growing cells. Unless the peripheral cancer cells be effectively treated the disease will continue to extend. On the other hand, were it possible to deal effectively with the peripheral cancer cells the central mass would probably be comparatively easy to attack.

This necessity for effective treatment of the peripheral cancer cells implies that in order to irradiate a small number of malignant cells great numbers of normal healthy cells of the part are coincidently irradiated, and to that extent damaged. The desideratum for all radiation treatment is maximal damage for the malignant cells and minimal damage for the body cells amongst which those malignant cells lie.

Here the selective action of rays upon cells dependent upon their varying degrees of radio-sensitiveness comes into play, for, speaking broadly, it is usual to consider the normal tissue cell as being less radio-sensitive than the malignant cell. Hence, a dose of irradiation effective for cancer cells may not be irretrievably injurious to the normal tissue cells, in the midst of which the cancer cells lie. Nevertheless, the margin is not great, and so much damage to normal tissues may accompany vigorous radiation of a new growth that an extensive intractable ulcer results. By some authors it is held that the poor results of radiotherapy when cancer has invaded bone depend essentially upon the coincident death of bone which the irradiation has brought about.

In yet another direction normal cells are involved when a case of cancer is undergoing treatment by radiations, particularly if the irradiated area be large. The blood circulating through the part is itself under irradiation, and those lymphocytic blood changes to which reference has been made already, owing to the repeated access of fresh blood to the part, in course of time involve the entire circulating blood. In addition, the lymphatic glands may come under the influence of the rays, with the result that the total number of lymphocytes in the body suffers a diminution. Where the patient's blood was normal before irradiation the reduction of lymphocytic numbers may be relatively small and return to normal takes place after an interval. But where the cancerous disease has already led to blood changes, irradiation, if sufficiently heavy for satisfactory treatment of the new growth, would lead to a grave augmentation of the blood condition and proportionate harm to the patient.

employed to make up for the deficiencies of sight and touch. A direct X-ray photograph of the part will do much to determine whether a given condition of bone is cancerous or not, whether the lung is involved in cancer of the breast, whether a kidney is the seat of new growth, and so forth. In the case of the alimentary tract, cancer of the gullet, stomach, or bowel is more than ordinarily difficult of diagnosis, particularly in the early stages. Therefore a great advance was made when it was shown that an ulcer or a constriction in any part of this tract could be detected if the patient were given a special bismuth meal and were examined under X-rays during the whole process of digestion. This method has contributed very largely to our knowledge of normal and of morbid processes. Frequently it affords strong presumptive evidence in either a positive or a negative direction when the possibility of cancer is under discussion and sometimes it is practically conclusive.

So far as concerns a case of cancer in which dissemination to distant parts of the body has occurred, it is clear that owing to the reduction in intensity the irradiation of the primary mass is associated with the reception in distant parts of doses of rays which are only minute. If such a minute dose operated upon a secondary —unrecognised—group of cancer cells, that stimulation of growth to which reference has been made earlier might be expected to occur. The matter cannot be regarded as proved, but many authors have described a " flaring-up " of cancer—particularly in distant parts of the body—after irradiation treatment, and have ascribed the phenomenon to operation of a stimulative action by minute doses of rays. Indeed, some authors have gone so far as to suggest that cancer may be originated in non-cancerous tissues in this way. Some colour is given to this suggestion by the fact that traces of radium appear to be present in a fair proportion of cancers, that certain gallstones intimately associated with cancer have been shown to contain relatively large, though actually minute, quantities of radium, and that prolonged exposures of the hands to small doses of X-rays are known to be followed by local cancer. As a matter of practical experience, it would appear that the risk of inducing cancer in a non-cancerous individual during treatment is negligible.

Recognition of the manner in which intensity of radiation falls off with distance has led to various modifications in the method of applying the rays to the patient. For example, in the early days of radiotherapy a single tube containing radium was inserted into the middle of the new growth for a number of hours, or, in the case of a superficial growth, a flat applicator containing radium was applied externally, or a dose of X-rays was given from one aspect of the growth alone. The unequal irradiation of the entire mass resulting from this arrangement led to modifications in technique. The total amount of solid radium was distributed into a number of small tubes, or minute glass tubes containing radium emanation were introduced into the mass at short distances from one another, especial attention being devoted to the periphery. The original single tube of radium in the centre of the mass is, according to modern practice, replaced by perhaps ten or fifteen minute tubes distributed in such a way as to induce a more uniform radiation throughout. So, too, the total amount of X-rays or of rays from a surface radium applicator calculated to be necessary for the treatment of a given cancer is administered in portions from as many aspects as possible The advantage of this modified technique is twofold :—(1) the new growth itself receives a far more uniform irradiation, (2) the normal tissues of the part run proportionately smaller risk of damage, so that the total amount of irradiation that can be given to the new growth itself is increased.

A modern radiotherapeutic method in cancer, to which reference must be made, is that in which irradiation is used in conjunction with surgery. In one form, this is seen by the use of radiotherapy to bring inoperable growths into the operable category ; in another, by the placing of tubes of radium in certain parts of the wound after surgical removal of the growth ; in a third, by the periodic administration of X-rays, or of radium rays, to a wide area in some cases before, in others, after operation.

In the second and third instances the object in view is the

prevention of recurrences. Recently, an attempt to attain this end has been made in another way. This is based upon the accumulating evidence (1) that the body in cancer evinces some power of protecting itself against the disease, (2) that this production of immunity is in some way bound up with the cancer cells themselves, and can, experimentally, be induced by means of irradiation cancer cells within the body, and (3) that injurious effects of radiations upon the normal tissues are to be avoided. The growth is removed surgically, minced with strict precautions, given a suitable dose of X-rays, and the resulting pultaceous mass introduced beneath the skin. The method can be compared with that of anti-typhoid inoculation, and, though it is too early to speak with confidence, the principle upon which it is founded appears to be sound, though the most recent work suggests that it is susceptible of improvement in certain points.

In a fourth method under which surgery is used in conjunction with radiotherapy, preliminary aseptic operation is directed towards provision of free access for radium treatment, and is purely ancillary. It is employed in connection with internal cancers, such as those of stomach, bowel and larynx. Wide exposure of the growth by means of the knife renders possible its treatment by radioactive needles in many cases where, otherwise, such treatment would be difficult or impossible. It has the further advantage that the radium is introduced from the periphery towards the centre of the growth, and for this reason in cancers of many situations minimises the danger of introducing infective bacteria into the tissues. The entire operation is carried out by a surgeon and a radiologist in conjunction, each of whom performs that part of the whole for which he has special training; but, in the countries where the method is adopted, supreme responsibility lies in the hands of the radiologist.

It is impossible to leave consideration of the effects of radiations upon cancer as a disease without reflecting upon the great advances that have been made during the short time they have been employed. The fact that by virtue of the efficacy of radiation treatment rodent cancer is now expressly excluded from consideration when the subject is under discussion is itself of great moment. Even though it be granted that rodent cancer differs in many respects, and not least in its danger to life from other cancers, its malignant nature is undoubted. So, too, the remarkable results that, up to a point, follow radiation treatment of lymphosarcoma and to a less degree occur with many other varieties of growth are an augury that with further advances in knowledge and improved technique better results will be obtained. Probably there will always be a class of case resistant to radiological treatment for one reason or another. But it is fair to hope that numerically this class will become smaller.

One thing is certain: the mental attitude of those most interested in radiotherapy has changed. Not only do they recognise that the radiations themselves, the cancerous conditions upon which they cause those rays to act, and the influence of the rays upon the normal tissues of the patient are far more complicated than was suspected at first, but also they envisage the radiation treatment in a fundamentally different way. At first the rays were regarded in the light of a specialised variety of caustic. As such they were inferior to many caustics in the surgeon's armamentarium. Then it was seen that cells vary in radio-sensibility, and a directly selective destruction of cancer cells was the goal, but was barely

attainable by reason of the insufficient delicacy of our methods. Last of all, there has arrived in the minds of some authorities the conception of radiations as an agent whereby the cancer cells are altered in such a way that they evoke, within the patient's body and through the agency of his normal tissues, an increased production of some substance or substances antagonistic to themselves. The formation of such antagonistic substances within the patient, upon this view, characterises every case of cancer, and the course of the disease varies according to the degree in which they are present. In all but the rarest instances, however, they are insufficient, so that the cancerous process sooner or later gains and maintains the upper hand and leads to death. If by means of subjecting cancer cells to radiations one is able to imitate and enhance this natural process, the hope lies near that a production of antagonistic substances would be induced sufficient to hold the cancerous growth in check, then gain the upper hand, and ultimately destroy the cancer cells themselves.

Ministry of Health,
Whitehall,
February, 1924.

CIRCULAR 496.

MINISTRY OF HEALTH,
19*th May*, 1924.

CANCER.—iii.

SIR,—1. I am directed by the Minister of Health to refer to the Memorandum on Cancer for the guidance of local authorities, which was issued from this Department in August last (Circular 426), and to the further Memorandum (Circular 476), issued last month. In the latter document it was stated that the Departmental Committee on Cancer have considered it essential to obtain reviews which summarise and bring into focus the position of modern knowledge and practice in regard to different aspects of cancer, its causation, prevention and treatment, and that they are obtaining these reviews by the work of their own members, by special sub-committees, and in other ways as the case requires, drawing freely in the process on the assistance of physicians, surgeons, pathologists and other experts whose invaluable aid is gratefully acknowledged.

2. In pursuance of this policy the memorandum annexed (the third of the series) has been prepared relating to cancer of the breast and the results of surgical operation in connection with this condition.

3. One of the first undertakings of the committee was to arrange an exhaustive study of existing surgical literature, home and foreign, which bears on this subject. This considerable task, which has involved the analysis of records of upwards of 20,000 cases, has been undertaken for the committee by Miss Janet Lane-Claypon, M.D., D.Sc. The presentment of this analysis in published form necessarily requires some little time, but meanwhile some important conclusions to be deduced from it already stand out clearly, and have confirmed the committee in their belief that public advantage will be gained by the issue of the accompanying memorandum. The memorandum reviews the general position at which surgery has

arrived in the case of this form of cancer, and states certain facts which the public should recognise if operative treatment is to yield the success which in favourable circumstances and under modern conditions it is capable of yielding.

4. The considerations set out in the memorandum suggest that local inquiries may be useful to ascertain the extent to which, in a given area, cancer of the breast is now being allowed to continue to a fatal termination without appropriate surgical treatment. In this connection I may refer to the suggestion made in the first Memorandum on Cancer (Circular 426) that local authorities, in conjunction with local representative bodies of the medical profession in suitable areas, acting through a special cancer committee or otherwise, might periodically undertake a review of such questions as this as well as of the facilities given locally (1) for clinical consultations and for pathological examinations, and (2) for the treatment especially operative treatment, of cases of cancer.

5. Two copies of this circular and memorandum are enclosed for the information of the local authority, and a copy has been sent separately to the Medical Officer of Health. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office.

I am, etc.

MEMORANDUM ON CANCER OF THE BREAST: THE RESULTS OF TREATMENT BY OPERATION.

1. In every case of cancer of the breast, the question of operation is one of primary importance. Scattered throughout medical literature are papers in which surgeons have recorded their experiences of series of cases. These papers have been most numerous since the time when the discovery of anæsthetics and antiseptics robbed surgical operations of many of their terrors, and, therefore, are particularly numerous during the last fifty or sixty years. During that time, because operation had become less formidable, the type of operation has varied, so that, in any inquiry such as that now being undertaken, it is necessary to divide the period under survey into more or less well-defined portions. Naturally, no sharp lines of division are possible, but certain broad distinctions can be made. These will appear in the subsequent pages.

2. Further, it is necessary to warn the reader that conclusions derived from a study of cancer in the breast do not necessarily apply to cancer in other regions; sometimes, indeed, the differences are of great moment, depending upon anatomical conditions over which we have no control. Thus, the breast is drained by numerous fine channels (lymphatics) which place it in communication with lymph glands in the armpit, above the collar-bone, within the bony wall of the chest, and also with a wide area of adjacent skin and with deep organs, such as the liver. This system of drainage is in sharp contrast with that which obtains in the case of the womb, for example, where the lymphatics are far fewer and are contained in a much narrower region. On the other hand, the breast is a superficial organ, and as such, abnormalities are, or should be, more readily discernible than in an organ situated deeply within the body. Hence

the value of operation in the case of these two organs is influenced by their relative accessibility on the one hand and by their anatomical peculiarities on the other.

I. OPERATION MORTALITY.

3. Fifty years ago, when Lister was introducing the great surgical principle depending on the recognition of bacterial infections as the cause of suppuration in wounds, even a small operation was a source of great anxiety by reason of the danger that the wound would become contaminated. This danger has passed almost completely. Even in the case of the most extensive operations on the breast, surgeons are accustomed to have long series of cases without any fatality that can be ascribed to the operation itself. Under modern conditions, deaths directly attributable to the operation, if performed by skilful surgeons and in well-equipped institutions, have been reduced in the case of breast operations to a fraction of 1 per cent.

4. Similarly, the convalescence of the patient after operation is nowadays in sharp contrast to that which obtained fifty years ago. Then, amputation of the breast even if successful meant weeks or possibly months of disability due to the suppuration which occurred. At the present time even more extensive operations heal without any suppuration and the patient is out of bed in about a fortnight.

II. NATURAL COURSE OF CANCER OF THE BREAST.

5. The value of operation for cancer of the breast can best be appraised after a short consideration of the natural course of the disease. It occurs chiefly though not exclusively in women, and constitutes the largest portion of cancer mortality amongst women in England and Wales, with the single exception of cancer of the genital organs. It may occur at any period of adult life, and with increasing frequency as age advances. After the age of forty-five it constitutes a very serious factor in the total mortality. The disease occurs with approximately equal frequency in either of the breasts, but sometimes, if the case runs a slow course, the other organ becomes affected towards the end of the disease. The various portions of the breast show differences in their liability to attack, for there is reason to believe that the upper and outer quarter is the commonest situation in which cancer appears, while the nipple is the rarest. The other portions occupy intermediate positions in this respect, without noteworthy differences between them. The matter is important because the severity of the disease bears a relation to the portion of the breast affected.

6. The growth itself consists in a localised hard mass or swelling which may, for a time, pass unrecognised owing to the fact that, *in its early stages, cancer is usually unattended by pain.* This mass grows, leads to contraction of the tissues in its neighbourhood with coincident retraction of the nipple, and alteration of its position. The subsequent course of cases varies within wide limits. Usually but little time elapses between the recognition of the local mass and the discovery of enlarged glands in the armpit. After a longer or shorter period the skin over the mass in the breast may give way and an ulcer result. At the same time, extension from the primary mass may have taken place in other directions, by way of the lym-

phatics or of the blood stream, so that secondary nodules are formed in the chest, the liver and other internal organs, the skin, and, in some cases, certain of the bones. These bring in their train other symptoms, amongst which pain is important, and ultimately the patient dies, death frequently being determined by some intercurrent disease, which, in the lowered condition of her vitality, she is no longer able to resist. There is no evidence that child-bearing or suckling is a predisposing cause of cancer of the breast. Statistics show that after the change of life cancer of the breast causes relatively a larger number of deaths among the unmarried than among married women.

7. For many reasons the natural duration of cancer of the breast is difficult to state with precision. Thus (1) the onset frequently cannot be fixed with any degree of accuracy; (2) amongst cases of cancer, even in women of the same age and of the same habit of body, some run an acute, others a chronic, course; and (3) the age at which the patient becomes affected appears to exert an important influence upon the natural course of the disease; cancer takes, on the whole, a more rapid course in the young person than in the old. It should also be added that if cancer of the breast supervenes during pregnancy or lactation, the course of the disease may be abnormally rapid. While subject to these variations, the average natural duration of a case of cancer of the breast appears to be a little over three years.

III. Antecedents of Cancer of the Breast.

8. Reference has been made above to the difficulty in most instances of fixing the date at which the cancer came into existence. From time to time it is reported that a lump had existed in the breast even for as long as fifteen years prior to the admission of the patient to the hospital. In such cases, while the existence of a mass may not be open to doubt, our knowledge of the natural course of cancer of the breast makes it difficult to believe that the lump in question had been cancerous over the whole period of years. At some undefined period it passed from a non-malignant—possibly an inflammatory—mass into a cancer. Cases of this description illustrate the fact that the onset of cancer is at times preceded by an abnormal local condition which is not cancerous. Sometimes the patient asserts that a change has followed upon a blow or other injury. Be that as it may, there is no doubt that microscopical examination frequently shows a concomitant condition of cancer and chronic inflammation, or that breasts which are the seat of such chronic inflammation may pass into cancer by imperceptible stages. Not only is there a close relation between cancer and antecedent chronic inflammatory disease of the breast, but also it is known that a non-malignant tumour of the breast may remain so for a long period of years and ultimately pass into undoubted cancer. These facts rightly influence the minds of surgeons when considering the advisability or otherwise of operation in diseased conditions of the breast other than cancer.

IV. Treatment of Cancer of the Breast.

9. Whatever may be the result of future investigations and whatever may be the case with cancer in other regions, it is beyond

question that, at the present time, early surgical operation affords the one chance for a patient suffering from cancer of the breast. Cases of cancer treated only with internal medicines, or external applications, or by dietetic methods are not being effectually treated. This does not mean that such agents as radium and X-rays cannot be usefully employed as aids to surgery, or in cases in which surgical operation is impossible.

10. Decisions on the treatment of cancer of the breast are, of course, influenced by factors such as the individual skill of the surgeon, and the conditions under which the operation will be carried out. Over and above these, however, is the primary question of the need for operation from the standpoint of the surgeon and of the patient.

Operation in Cancer of the Breast from the Standpoint of the Surgeon.—The surgeon has to consider:—(*a*) Whether the condition is actually cancerous or threatens to becomes so; (*b*) whether he can remove the diseased condition without undue risk to the patient; and (*c*) whether the patient will be freed from the disease by the operation, or, alternatively, what will be the relief and the prolongation of life afforded by it. The surgeon, while considering the type of growth and various other factors, is influenced in his judgment mainly by the early or late stage of the disease when it is first presented to him.

Operation in Cancer of the Breast from the Standpoint of the Patient.—The patient's standpoint naturally is a very different one. It coincides with that of the surgeon in a desire to know what amount of relief from present sufferings can be conferred, and what probability there is that she can be freed from her disease. She views the entire operation (including the anæsthetic) as an evil to be borne, and as a proceeding which, even if completely successful in a surgical sense, will leave disfigurement. These obstacles naturally do not carry equal weight in all cases, but in some degree they influence patients, and must be given their due weight. Sometimes patients assert that they have not noticed a mass in the breast until it is so extensive that no surgical measures are possible. When this is so, no more can be said; but often the patient has recognised the condition some time previously, but, from unwillingness to submit to operation and all that it may entail, or owing to aversion from what she regards as mutilation, she puts off the decision until pain or ulceration or her fears render concealment no longer possible. Though it is impossible to withhold sympathy from the patient in such a case, it is certain that she has deprived herself of her best chance. How good this chance is, if the cancer be adequately treated by operation in an early stage, will appear in succeeding paragraphs. These unfortunate facts have to be remembered in assessing the results of latter-day surgical treatment. With improvement in surgical technique there has been no corresponding increase in the proportion of cases which reach the surgeon at a stage of the disease when such treatment offers the greatest advantage.

V. Varieties of Operation.

11. This is not the place to enter into descriptions of the various methods of operation that have been adopted by surgeons from time to time. Briefly it may be said that during the earlier period

of the years under observation, a small local removal of the growth was performed. It is necessary to refer to this point in some detail, because the patient, recognising by touch a small lump in the breast, finds it hard to believe that complete removal of the whole organ is necessary. Experience of a small circumscribed operation for cancer of the breast has generally been disastrous, for the disease recurs locally in a shorter or longer time, and may even do so before full recovery from the original operation has taken place. This early recurrence depends upon the fact that the outlying portions of the cancer are far beyond the limits of the tangible growth. Hence the operation must be carried beyond the visible growth itself. Similarly, the early date in the disease at which the lymphatic glands in the armpit become affected, indicates to the surgeon that this region also must be dealt with thoroughly. The extent of the operation has increased with our fuller knowledge of the natural course of the disease, so that anything but a wide operation is almost universally recognised to be relatively, if not entirely, useless.

12. Though full weight must be given to general improvements in surgical technique, it is indubitable that the better results obtained at the present time by operation in cancer of the breast mainly depend upon the completeness with which the outlying portions of the cancer are removed. No means, however, exist for recognising at the time of operation these outlying foci. It is comparatively easy to identify portions of the main growth as cancer by the microscope, though this, the only certain means of diagnosis, cannot be utilised prior to or during the operation with entire absence of risk and freedom from error. The diagnosis, therefore, and the decision as to operation, must needs be based on clinical grounds, confirmed at a later stage by microscopical examination. No such aid, however, is available for determining the extreme limits of the growth, and hence arises the necessity for the modern " complete " operation. It is satisfactory to note that this " complete operation " does not add in any significant degree to the risk of the operation itself, nor to subsequent disability, so far as the patient is concerned.

13. A modern extension of the operation lies in the addition of such advantages as are afforded by radium and X-rays, to the " complete operation." Sometimes tubes of radium are embedded for a time in the outlying parts of the wound, more commonly a course of X-rays over a wide area is given after recovery from the operation, and the tendency is to regard such subsequent X-ray treatment as necessary over a prolonged period at regular intervals. The object of this radiation treatment is to deal with microscopical foci of living cancer cells that may lie beyond the limits of the operation, so as to prevent their subsequent development.

VI. Results of Operation.

14. We now come to the most important point of all, viz., the measure of the success of surgical treatment. We have seen that the *average* duration of life in patients whose disease has followed a " natural " course is little more than three years. This average figure has been obtained by noting the duration of life in a large number of women whose history is known from the time of coming under skilled observation until death. No precisely com-

parable figure for patients who have been operated upon can be given, and for the best of reasons. Some patients—and under favourable conditions a large number of them—live for many years, and it is impossible for the surgeon to keep in touch with all of them for perhaps ten, fifteen or more years after operation. Even to secure exact information for so short a period as three or five years after operation is not easy. Hence a majority of surgeons have been obliged to content themselves with reporting the percentages of their patients who have survived three years from the date of operation.

15. The aggregate results, based on the experience of many surgeons in different countries, are as follows :—When the old and now generally superseded incomplete operation was performed, about 25 per cent. of the patients were known to be alive at the end of three years after operation. When the more complete operation of modern times was performed, twice as many, some 50 per cent., survived three years, and 33 per cent. survived five years after operation. These statistics, however, relate to patients who at the time of operation were in various stages of the disease, some in a condition such that, although the surgeon could be reasonably sure that operation would afford relief, and *might* eradicate the disease altogether, he could have little confidence that the disease would not recur. On the other hand, statistics exist of the results when the disease at the time the patient came to the surgeon appeared to be in an early stage and limited to the breast only. In this early condition it is *certain* that 60 per cent., and highly probably that 75 per cent., of the patients were alive and well three years after operation. Indeed, some experienced surgeons, such as the late Professor Halsted, have thought that the percentage of cured patients might, in these circumstances, be stated to reach 75 per cent.

16. Upon the basis of all these statistics it is possible to reach an average figure of the duration of life after operation which can be set against the average of some three and a half years in the unoperated cases, but this can only be done by means of assumptions, to state which would require a technical and detailed account unsuited to this memorandum. It may, however, be stated with confidence that, even under the unsatisfactory conditions imposed by the late stage at which many cases come under surgical observation, which gravely lowers the average success recorded in the massed statistics, the mean duration of life is prolonged several years. In the special circumstances of operation at the most favourable—that is, the earliest—moment after recognition of a lump in the breast, there is an average prolongation of life amounting to *many* years. We have advisedly refrained from adopting the word " cure " and have only spoken of the prolongation of life. It is, however, certain that cure, in the widest popular sense of the word, has frequently been effected by *early* operation—*i.e.* that patients have lived ten, fifteen, twenty or more years and died ultimately of some other disease. The surgeon cannot, of course, promise this, however early the operation. He is, however, entitled to assert that in a great majority of cases life will be considerably prolonged and in a still greater majority rendered more acceptable, freer from pain, and more capable of active enjoyment. On the other hand, the after history of patients not operated upon, or operated upon when the disease has spread beyond its first point of attack,

can be foretold with equal certainty and is a sad one: it will not often exceed three or four years. The teaching of surgical statistics is clear. It is that the results of early and complete operation justify not a certain, but a highly favourable, prognosis.

Ministry of Health,
April, 1924.

CIRCULAR 516.

MINISTRY OF HEALTH,
31*st July*, 1924.

CANCER.—iv.

SIR,—1. I am directed by the Minister of Health to state that in pursuance of the policy of summarising for reference the present position of different cancer problems, the Departmental Committee on Cancer have thought it convenient to invite Dr. Murray, Director of the Imperial Cancer Research Fund, in consultation with other members of the committee, to furnish them with a brief review of the main lines which experimental cancer research has followed in recent years, and of the broad conclusions, negative as well as positive, which seem to be deducible up to now from the several branches of this work.

2. The work thus reviewed has been great in quantity, high in quality, and very varied in its nature, and consequently the summary here given, though necessarily very much condensed, is thought likely to be serviceable to those who are now considering experimental cancer investigation as a whole, and the directions, new and old, in which particular researches require to be initiated or continued. For these reasons it has been decided to issue the summary as one of the series of memoranda referred to above.

3. Two copies of this Circular and Memorandum are enclosed for the information of the Local Authority, and a copy has been sent separately to the Medical Officer of Health. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office.

I am, etc.

MEMORANDUM ON EXPERIMENTAL CANCER RESEARCH.

1. From very early times men's minds have been exercised by speculation or conjecture on the causation of the group of diseased conditions known as cancer, and certain more or less defined stages may be recognised in the evolution of the present day conceptions of the disease. Beginning with the speculative theories of Hippocrates and Galen who considered the condition or group of conditions (in those days doubtless not a well-defined one) to be the result of the presence of an undue proportion of black bile within the body, no serious advance was made until about the beginning of the nineteenth century when the use of the microscope revealed the cellular constitution of the body tissues and enabled direct observation to be made of the intimate structure of new growths. Under

the lead of Virchow fresh theories founded upon these researches were propounded by Thiersch, Waldeyer, Cohnheim and others; some of these are referred to in later paragraphs. The next stage beginning about the commencement of the present century may be called the experimental one in which early efforts were directed towards the production of cancer working along the lines suggested by the two main theories which then held the field, viz. the "irritation" theory of Virchow and the "embryonic rest" theory associated with the name of Cohnheim. No success attended the very numerous and ingenious experiments carried out on the latter theory; with those of the former a similar lack of success attended all the earlier efforts over a long period of years. It was not until the year 1915 that it became possible by the continued application of tar and other substances to induce the formation of a growth displaying the two typical features of cancer, viz. unlimited power of multiplication and ability to form metastases. This step constituted a great advance because it allowed of the production at will of cancer in animals by means of substances known for nearly a century to have been associated with the causation of cancer in man. The other main line of investigation during the experimental stage is that concerned with the transmissibility of cancer; first the conditions under which this could be achieved at all, then the character and reactions of the cancer in the new host. Side by side with these researches proceeded other series devoted to the elucidation of the processes of cell multiplication, of biochemical reactions and other nutritional phenomena, both in normal and cancerous tissues. A brief summary of the more important facts thereby established appears in the succeeding paragraphs.

2. It will be realised that this summary represents the sifting of a few better defined facts from the large mass of observations made on the various aspects of the experimental inquiry conducted by many observers in several different countries, and affords a necessarily inadequate indication of the time, energy, zeal and ingenuity which have been devoted to the subject hitherto. It also serves to illustrate the long and tedious road with apparently hopeful openings at intervals, only too often ending in disappointment, that must necessarily be followed in the search for the causal conditions of the disease. It is only by patient probing, the slow addition of fact to ascertained fact, in this and all other lines of research appearing to present favourable opportunities of throwing light on the many-sided problem that its solution can be furthered; for it is to be remembered that, looking as we do on cancer as uncontrolled growth of cells, essential tissue elements of the body, its proper understanding involves the exploration of fundamental vital processes.

3. Cancer usually manifests itself as a localised mass, tumour or lump, which on microscopical examination is seen to consist mainly of a collection of cells similar in appearance to some varieties of those normally present in the body though arranged in an atypical manner. The other main constituent of the tumour is a varying amount of connective tissue. The cancer cells grow at the expense of the organism, in which they serve no useful function. Their capacity for multiplication appears to be limitless both in the original site and in other favourable secondary sites to which a few of them

may be carried by the lymph or blood streams, the growths in secondary sites being known as metastases. The type of tissue, whatever form it takes, found at the original site is reproduced at the secondary sites. This striking fact, the apparently unlimited capacity for multiplication on the part of the cells, naturally led to their characters being closely investigated and the number of observations made is so extensive that it is convenient to summarise the experimental work on Cancer of the last twenty years under two main headings according as each contribution deals primarily with the properties of cells already cancerous or with the way in which cells become cancerous. This is mainly a mental convenience because the authors have never deliberately separated these two aspects of the cancer problem and, especially in the theoretical discussions appended to the accounts of their experiments, have moved freely from one to the other. This is not surprising as it will be readily conceded that advance in either field is unthinkable without a corresponding clearing up in the other.

I.—THE PROPERTIES OF CELLS ALREADY CANCEROUS.

Transplantability of animal cancers.

4. The observation that cancer cells, when transported by natural agencies within the host, whether man or animal, settled down and continued to multiply in the secondary site led to the investigation of their behaviour when transferred artificially from one animal to another. Hanau (1889) and Morau (1891) were actually the earliest investigators to transplant tumours and obtain fresh growths from these grafts, but the importance of this method was first properly appreciated by Jensen (1902) and Borrel (1903). Their successes with mammary carcinoma (cancer) of the mouse were soon repeated by many others. The important features of this work were the strict limitation to animals of the same species as that providing the primary growth if continuous propagation was to succeed, and the permanence of histological type, rate of growth, and percentage of success, throughout long series of experiments. This showed that the malignant * character was inherent in the cancer cells which alone survive transference to the new host. (The only exceptions to this rule of failure in the absence of living cells in the inoculum are the curious sarcomata of fowls first studied by Rous and later by Fujinami. They form a group apart and will be dealt with in the final paragraphs of this memorandum.) These successful transplantations to normal animals show that it is unnecessary to invoke the hypothesis of an alteration in metabolism † to explain the continued growth of a cancer; the seed rather than the soil is the factor of primary importance. They do not, however, exclude the possibility of a local metabolic alteration being responsible for the transition of a normal into a cancerous cell.

Immunity or resistance to transplantation.

5. The fact that of ten children born, nine die from causes other than cancer suggested that the majority of persons possessed an

* "Malignant" is the description applied to a tumour, whether carcinoma or sarcoma, the natural tendency of which is towards death. Other tumours are spoken of as "benign."

† See *Cancer metabolism*, below.

attribute somewhat similar in nature to that of resistance to infection by ordinary infectious or bacterial disease, a natural immunity, and experiments were planned to elucidate this, using the method of transplantation, or grafting as it is sometimes called. It was soon found that animals once unsuccessfully inoculated were resistant to a second inoculation, even of considerably more active material, but it was also found that the resistant state could be set up by a preliminary treatment with normal tissues (blood, skin of embryo) provided that intact living cells were used. Killed cells were inactive. The resistant state was only effective against subsequent grafting and had no effect on established tumours. Still more disconcerting was the fact that even the most energetic methods of immunisation had no influence on the progress of primary cancer, as shown by recurrence at the primary site after surgical removal, by the occurrence of growths in secondary sites and by successful grafting of the original tumour in another part of the same animal; these, the most reliable tests of the malignant nature of the growth, were unaffected. This explains the failure of the methods of immunisation (artificial production of resistance) based on the results of grafting of transplantable tumours as a treatment for cancer in man, to which the primary cancers of animals present the closest similarity. None of the hypotheses framed to explain transplanted tumour resistance is entirely satisfactory, and its nature is still obscure.

Cancer metabolism.

6. Metabolism, the word used to indicate the series of biochemical changes taking place in a living organism in the process of absorption and utilisation of the materials (food, drink, etc.) necessary to its existence, is more active during the period of growth than at other periods. Normal growth being, in essence, due to an orderly multiplication of the cells composing the organism, and cancer being a disorderly growth of some of the cells of the organism, it was hoped that by instituting a comparison between the metabolic processes in normal and cancerous animals some light might be thrown upon the forces at work in the production of cancerous tissue. Much effort has been expended in attempts to discover differences in the energy intake and output of cancer cells by studying the excretions of animals bearing transplanted tumours of such a size that they form a considerable fraction of the total weight of host and tumour together. No constant significant differences have been discovered.

7. Recently, working on the analogy of the method for the separation of nearly related bacterial species by their action on various sugars and allied substances, slight but constant differences have been observed between normal and cancerous tissues outside the body. The water content of cancerous tissues has been found to be greater than that of normal tissues, and as in growing young individuals, the more rapidly growing tumours are found to have a higher proportion of water. By the methods of gross chemical analysis and by micro-chemical tests malignant growths are found to have a higher proportion of potassium salts and a lower calcium content than the corresponding normal tissues. This feature also is shared by young and embryonic tissues and is therefore not really distinctive.

Vitamin and other deficiencies and cancer.

8. The growth of an animal is thought to be dependent on two factors : (*a*) an internal one, the growth impulse, and (*b*) an external one, the most important constituent of which is food supply.

Among the components of the food supply essential for normal growth are substances known as accessory food factors or vitamins, substances whose chemical nature is not exactly known but which are characterised by the smallness of the amount in which they are consumed proportionately to the effects produced by them. At least three of these vitamins have so far been distinguished and provisionally named, A, B and C, but probably others exist. Total absence from the diet of one or other of these substances may lead to the occurrence of such diseases as scurvy, rickets, beri-beri (a disease affecting nerve tissues), etc. ; relative absence leads to faulty nutrition, some effects of which are imperfectly understood. The vitamins occur most commonly in green leaves but also in many other foods and it is probable that any ordinarily varied diet contains an amount sufficient to promote normal growth and development.

9. Vitamin A (fat-soluble) and Vitamin B (water-soluble) are the only accessory food substances which have been studied experimentally in relation to cancer. Neither deficiency, even when pushed to a dangerous degree, appears to exert any marked influence in retarding the growth of transplanted tumours in rats, nor does the presence of a tumour accelerate the onset of the symptoms of these deficiencies. Tryptophane deficiency (produced by making maize meal the only source of protein in the diet) leads to severe and fatal illness in mice and rats. Transplanted tumours grow in animals on this diet, the onset of symptoms and the fatal issue being hastened by the fact that the growing tumour causes more rapid exhaustion of this essential amino-acid.

Results of tissue culture outside the body (" in vitro ").

10. One of the methods used to investigate the process of growth is that known as tissue culture, in which by a specialised technique similar in nature to that used for the cultivation of micro-organisms and which in essence consists in keeping fragments of tissue in a nutrient medium at a suitable temperature, the multiplication of the cells and the consequent growth of the tissue can be observed.

11. Burrows, Carrel, Lambert and Hanes and others applied the method of tissue culture to the study of cancer soon after the introduction of the method by Ross Harrison. The first remarkable fact which emerged was that while it was easy to obtain growth of tumours " in vitro " its continuance was much more precarious than in the case of normal tissues. The initiation of artificial culture was the difficulty with the latter. This curious antithesis to the phenomena of propagation in the living animal has only recently been cleared up. It is now known that tumours rapidly produce " in vitro " substances poisonous to themselves, and frequent replacement of the culture medium is necessary if growth is to continue. The toxic substances are innocuous to the growth of normal tissues. With proper precautions therefore there is no distinctive limitation to the growth of normal and cancerous tissues " in vitro " ; both

can apparently grow indefinitely with undiminished speed. The most essential of these conditions for growth is the supply of substances present in watery extracts of embryos of nearly allied species, for without them growth soon comes to a stop.

12. Embryonic tissues and tumours proliferate immediately on being planted out in a suitable medium, but adult tissues only begin to grow after an initial delay. It has now been shown that this initial period of delay can be cut out by adding to the culture medium the autolysate of normal damaged tissue, that is the fluid resulting from keeping the tissue in a saline medium at body temperature for a limited period. Rapidly growing transplantable tumours extracted in the cold (*i.e.* without autolysis) give an extract with the same properties. This observation thus brings the malignant new growths into close relation with the processes of repair of tissues following upon injury. (Cf. also the effect of scarification combined with tarring, para. 18.) It may even provide a method of distinguishing true new growths from rapidly growing tumours due to other causes such as tuberculosis, syphilis, etc.

II.—The Experimental Study of the Changes by which Cells become Cancerous.

13. The work in this direction can be conveniently summarised according to the underlying conceptions on which the various experiments have been based. They fall easily into two groups :—

(A) (i) The hypothesis of a microbic origin, in which it was supposed that cancer was due to invasion by a parasitic micro-organism and was therefore of an infective nature.

(ii) The embryonic hypothesis, in which the conception was that during fœtal life small islands of cells became isolated from their parent tissue and in later life took on an independent form of growth.

(iii) The gametic hypothesis which, arguing from a pretended resemblance between the method of division of cancer cells and that of the germ cells (which differs from that of all other normal tissues), supposed that cancerous growth depended on the cancer cells having reverted to the type of division peculiar to the sexual cells.

None of the experiments inspired by these hypotheses has led to the production of a new growth of more than a temporary character.

(B) The conception of Virchow that chronic irritation was of great causative importance in the production of cancer.

This latter group is the only one which has positive results to record and the remainder of this summary will be devoted to it. The results achieved will be most conveniently discussed under the headings of the various kinds of irritant employed.

Radiant energy.

14. While the skin carcinomata due to intense insolation are well known in man, the only example of experimental production of new growth by radiant energy was the production of sarcomata *

* Malignant tumours of connective tissue origin.

in rats by X-rays, repeated exposure over about a year being necessary. Recently Bloch has succeeded in producing carcinoma of the rabbit's ear by the same agency after a still longer interval. No such success has followed long-continued repeated exposure to radium, and it is therefore impossible to say whether failure is due to unsuitability of the animals used or to unsuitable dosage.

Animal parasites.

15. Occasionally in man, especially in some tropical countries, examples of carcinoma of the bladder are met with supervening on a chronic ulcerative condition due to infection by the eggs of a parastitic worm, Schistosoma hæmatobium. Parallel with this two forms of malignant new growth in the rat have been found to be constantly associated with the presence of animal parasites. These parasites are the Gongylonema neoplasticum occurring in the stomach of rats (Fibiger) and leading to epithelial overgrowth and carcinoma of the œsophageal (gullet) end of the stomach. The other parasite is the cystic (bladder-like) stage of a tape worm, Tænia crassicollis, in the liver, which frequently sets up sarcomatous growth in the cyst walls.

16. The intermediate host of the Gongylonema (a Nematode or round worm) is the American cockroach and these can be infected experimentally by feeding with the fæces of infected rats. Rats in turn are infected by allowing them to eat infected cockroaches. The larvæ encysted in the muscles of the cockroaches are set free in the stomach of the rat. They burrow in the epithelium lining the stomach and in a certain proportion (which varies with the race of rats employed) carcinoma develops.

17. The definitive host of Tænia crassicollis is the cat, and rats are infected by contaminating their food with the fæces of infected cats. Sarcoma develops in about 50 per cent. of the rats successfully infected. Although cysts in the liver of the rat are usually multiple the sarcomata are usually solitary. The age of the animals does not seem to be of importance in either of these sets of experiments, young animals giving as high percentages of new growth as do old ones. Mechanical irritation by foreign bodies cannot replace these parasites as cancer-producing agents nor does repeated injection of dried parasites or of extracts of them produce new growth. It is therefore believed that the long-continued application of substances excreted by the parasites is responsible for the result. This conception ranges these experiments along with those in the next group, viz. :—

Chemical irritants.

18. Carcinoma of the bladder has been repeatedly observed in aniline dye workers and the inhalation of minute quantities of aniline vapour has been incriminated, but so far the condition has not been reproduced in animals. Success has attended the experiments made with gas tar, however, and also with extracts of soot. The first experiments were conducted on the ears of rabbits by Yamagiwa and Ichikawa, but the real advantages of the method were only revealed when Tsutsui, and later Fibiger and Bang, turned to the mouse, which has proved to be the material of choice for such experiments. As a matter of fact the rabbit is not a very

suitable animal and the rat and guinea-pig have proved to be extremely refractory. Here again long-continued repeated applications are necessary, sometimes extending for months, two or three times a week. The area painted need not be large, and the age of the animals has little influence; certainly old animals are not more suitable than young ones. All animals are not equally susceptible, and while simple tarring may initiate true skin cancer in three to four months in a few mice out of a large number, in the majority six to nine months are necessary and in some animals (again few in number) no result may be obtained although tarring be continued for eighteen months. It has been found that if tarring be discontinued after three to four months, the subsequent development of cancer takes place in much the same proportion of animals and after about the same lapse of time as in control series painted continuously. This latent period may be shortened if another form of injury—namely scarification—be combined with tarring (Deelman). (Cf. the association of cancer of the tongue in man with rough tooth stumps, smoking and syphilis.)

19. Similar successful experiments have been carried out with unrefined paraffin oil and with arsenic in the form of arsenious acid. In all, the new growths arise at the site of application of the irritant. The origin of cancer at the site of local irritation thus receives final confirmation and the experiments demonstrate the importance of the chronicity and specific character of the irritants which are effective. Many attempts have been made to identify chemically the substance in tar which produces cancer, but beyond determining its presence in the fraction boiling at 300°–350° C. without success. It is unlikely that a single chemical constituent is responsible, and so far the only success with a pure substance has been that recorded above for arsenious acid.

20. An interesting variant in these experiments is the production of sarcoma in mice and rats by repeated subcutaneous inoculation of tar. This is of importance as showing that the refractoriness of rats to tar painting only holds for the covering epithelium and not for connective tissues which in the rat are much more frequently the site of new growths. Examples occur in the sarcomata due to animal parasites already mentioned.

21. Up to the present it has not been possible to induce carcinoma in animals which have already developed cancer either from application of tar or spontaneously. This seems to indicate that although cancer arises as a local process, systemic generalised changes accompany its development. The nature of these changes is quite obscure.

22. It is very remarkable that the infective sarcomata of the domestic fowl discovered by P. Rous, although providing the only positive examples of new growths transmissible without the intervention of intact cells, should have been so infrequently called on to support the arguments of those who favour the hypothesis of a microbic origin of malignant new growths.

23. These tumours, of which five or six strains are now in existence, all have the structure and biology of sarcomata although differing in histological details. They all grow rapidly, infiltrate the muscles of the trunk and limbs and disseminate widely to the lungs and other internal organs. Glandular metastases are not a prominent feature of their progress. They can readily be transmitted

to normal fowls by inoculation of tumour fragments under the skin, but with some of them, and notably the first strain isolated by Rous, only the original race of fowl (Plymouth Rock) was at first susceptible. It now grows nearly as well in several other races, especially in young birds. The distinguishing feature of these tumours is the fact that cell-free filtrates can also transmit the disease and the active principle withstands drying, the action of glycerine, and heating to 45° C. for half an hour. Each of these procedures destroys the vitality of all the transplantable tumours of the mouse and rat so far studied. The active agent behaves thus far like an ultra-microscopic virus, but it has not yet been possible to produce the disease with artificial cultures of it. The elucidation of the relation of this series of infective tumours to the other malignant new growths of birds and mammals depends on the solution of an extremely delicate problem, viz.: Do the cells of these tumours when freed from the virus still behave as malignant new growths when introduced into the bodies of susceptible animals or do they behave as normal cells? If they behave as sarcomata then the virus has the property of inducing the change from normal to malignant cell with great rapidity and certainty. If they do not, then these tumours are in reality of the nature of granulomata, depending for their continued proliferation on the persistence and multiplication of the infecting organism.

Ministry of Health,
July, 1924.

CIRCULAR 549.

SANITARY AUTHORITIES (ENGLAND).

MINISTRY OF HEALTH,
22*nd December*, 1924.

PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS, 1912 AND 1921.

I.—NOTIFICATIONS UNDER THE REGULATIONS.

SIR,—I am directed by the Minister of Health to refer to the Public Health (Tuberculosis) Regulations, 1912 and 1921, and to state that as a result of the examination of the annual summaries of notifications of tuberculosis received during the year 1923, which have been furnished to this Department by the Medical Officers of Health of counties, county boroughs, and metropolitan boroughs, the Minister desires to direct the attention of local authorities to the following matters with a view to securing a greater measure of uniformity in the procedure of notification and a stricter compliance with the requirements of the regulations in each district.

1. It appears that in some instances formal notification of tuberculosis under the regulations has not been made until after the death of the patient has occurred. I am to point out that, in notifying a case of tuberculosis, the medical attendant is required to certify that *the person is suffering from tuberculosis*, and the Minister is advised that a notification which is made after the notifying practitioner is aware of the death of the patient is not

a notification duly made and transmitted under the regulations, or one which entitles the practitioner to the payment of the prescribed fee. The Minister therefore does not consider that such a notification should be regarded as a formal notification under the regulations, and for statistical purposes the subject of such notification should be counted as a case of tuberculosis which has come to knowledge otherwise than by notification under the regulations.

2. Some difficulty appears to have arisen in connection with the notification of cases in which tuberculosis is diagnosed by a tuberculosis officer, and there is evidence that, in some areas, cases referred to a tuberculosis officer by a general practitioner have escaped notification owing to each doctor leaving it to the other to notify. In the Minister's view the tuberculosis officer should immediately notify each case in which he diagnoses tuberculosis, unless he ascertains definitely that the practitioner has notified, or will notify, the case.

3. It is observed that occasionally new cases of tuberculosis are notified to the Medical Officer of Health on Form C or Form D. In this connection I am to draw attention to Article VII. of the Regulations of 1912, and to point out that, if a notification on either Form C or Form D is received by the Medical Officer of Health of a district in respect of a person whose usual place of residence is within the district, but whose case has not previously been notified to him, he should forward to the Medical Officer of the Institution from whom the notification was received a copy of Form A for primary notification of the case, at the same time informing him of the circumstances and asking that a notification on that Form may be furnished.

4. As a result of a comparison made between the totals of the notifications of tuberculosis, as furnished by District Medical Officers of Health to the Registrar-General during 1923 on the Weekly Returns of Infectious Diseases, and the total of the primary notifications as furnished to this Office in the Annual Returns of the Medical Officers of Health of Counties, County Boroughs and Metropolitan Boroughs, it has been found that in many areas the two sets of figures show a wide divergence. It should be understood by District Medical Officers of Health * that, so far as tuberculosis is concerned, whilst the weekly return required to be furnished to the County Medical Officer of Health under Article XI. (3) of the Regulations of 1912 should include a statement of every notification of tuberculosis received by the District Medical Officer of Health during the week, whether primary or duplicate, the figure to be entered in the Weekly Return to the Registrar-General shoud include only the *Primary* notifications of tuberculosis on Form A or Form B received during the week.

5. The Minister desires to take this opportunity of impressing upon local authorities the responsibility which attaches to them for seeing that the requirements of the regulations are fully observed in their districts, and I am to state that where (as in the case of a death certified as due to tuberculosis of a person who had not previously been notified under the regulations) there is *primâ facie* evidence of neglect to notify on the part of the medical attendant, immediate steps should be taken by the local authority to obtain

* This term includes the Medical Officers of Health of Metropolitan Boroughs.

an explanation from the medical attendant as to the circumstances under which formal notification under the regulations was not made. If the explanation is not satisfactory, it should be borne in mind that the local authority have power to institute proceedings for the recovery of a penalty under Sect. 1 (3) of the Public Health Act, 1896, in cases of wilful neglect or refusal to carry out the regulations; and it appears to the Minister that it may even be desirable to proceed to a prosecution in one or two cases of the kind where the circumstances warrant such action in order to secure the objections of the regulations.

6. The attention of the local authority is drawn to the second paragraph on p. 2 of Circular 196, issued on the 21st April, 1921, in which it was pointed out that it is open to a local authority to obtain from the Registrar of Births and Deaths, on payment of the prescribed fees, returns of the particulars registered concerning deaths from tuberculosis. Early information as to deaths from tuberculosis, which could be obtained by means of weekly returns from the registrars, is not only requisite for the purpose of the revision of the Register of Notifications, which the District Medical Officer of Health is required to keep under Article XI. (2) of the Regulations of 1912, but affords valuable information to the Medical Officer of Health in regard to cases which may not have been notified, *e.g.* for the purposes of taking any necessary steps for the disinfection of premises, and of inquiry into the reasons for the absence of a notification.

II.—KEEPING OF REGISTERS AND CENSUS OF CASES.

1. It is the duty of the Medical Officer of Health under Article 4 of the Regulations of 1921 to remove from his Register of Notifications the entries relating to notifications in respect of persons who have, to his knowledge, died or have ceased permanently to reside within the district. In order, however, that the register may contain as accurate a list as possible of the cases of tuberculosis in the district, it is desirable that there should also be removed from the register those cases in which after notification (*a*) the diagnosis of tuberculosis is agreed not to be established, or (*b*) the patient in due course attains a condition in which he may be regarded as cured of the disease.

As regards (*a*), no case should be removed from the register except with the assent of the practitioner by whom it was notified, unless the practitioner is no longer available for consultation owing to his having died or left the district.

As regards (*b*), the Minister is advised that the removal of a case from the register as "cured" is justified in pulmonary cases in which for a period of five years there have been no symptoms of tuberculosis and no signs of tuberculous disease, except such as are compatible with a completely healed lesion, and sputum, if present, has been free from tubercle bacilli; and in non-pulmonary cases in which three years have elapsed without any signs or symptoms of active disease.

In cases where the notified person has come under the supervision of the dispensary organisation of the county, county borough, or metropolitan borough in which he resides, information should be available in the dispensary records as to cases of "cure," and

also as to cases which, subject to the concurrence of the notifying practitioner, should be deleted from the register as non-tuberculous. In county areas the Minister has no doubt that County Councils and Tuberculosis Joint Committees will be prepared to arrange for their tuberculosis officers to communicate such information to the District Medical Officers of Health, as well as any information which may be in the possession of the tuberculosis officers as to deaths or removals from the district of persons who have been under supervision (whether or not accompanied by domiciliary or other active treatment) under the tuberculosis scheme.

In the case of other notified persons, such inquiries as may be practicable should from time to time be made of the notifying practitioner with a view to keeping the register up-to-date.

2. Apart from cases formally notified under the Regulations of 1912, a District Medical Officer of Health may become aware of some new cases of tuberculosis in his district from other sources, *e.g.* from death returns of cases not notified, notices received from the Medical Officers of Health of other districts as to transfers to the district, etc. Although particulars of such cases do not, strictly, form part of the Register of Notifications, the Minister considers that to complete the record of existing cases of tuberculosis it is desirable that particulars of such cases should be entered in the register in similar form to the particulars of notified cases, but specially distinguished as having come to the notice of the Medical Officer of Health otherwise than by notification under the regulations. Particulars of such cases should also be included, similarly distinguished, in the weekly returns furnished to the County Medical Officer of Health under Article XI (3) of the Regulations of 1912 and in the quarterly returns referred to in the succeeding paragraph of this circular. If a notification under the regulations is, however, subsequently received in respect of such a case, it should thereafter be classed as a notified case, unless the notification is one improperly furnished, *e.g.* a notification furnished after the notifying practitioner is aware of the death of the patient.

3. The Minister has decided to require that in the areas of administrative counties the District Medical Officers of Health should furnish quarterly to the County Medical Officer of Health the particulars as to numbers of cases in their registers which are set out in Article 2 of the enclosed regulations made by the Minister in supplementation of the Regulations of 1912 and 1921. Considerable difficulty has in the past been experienced in obtaining reliable data for estimating the numbers of tuberculous persons in the country and its various divisions. Such information is of much value for administrative as well as statistical purposes, and the new regulations have been made with a view to securing that the needful information is readily available. In regard to the particulars referred to in paragraph (c) of Article 2, these are included in order to afford the County Medical Officer an opportunity of communicating to the District Medical Officer of Health any supplementary information available to him as to cases requiring to be removed from the register.

As regards the requirement in Article 2 that separate figures be given for pulmonary and non-pulmonary cases, it is desirable that all tuberculosis of the respiratory system should be placed in the former class; and accordingly tuberculous pleurisy, and tuber-

culosis of the larynx, nose, throat, bronchial glands and mediastinal glands, should be classed under the head of pulmonary tuberculosis.

The regulations will come into effect on the 1st January, 1925, and the first return to the County Medical Officer of Health will be that for the quarter ending 31st March, 1925. It will be appreciated that it is of much importance that every District Medical Officer of Health should at once undertake a careful scrutiny of his register and make any necessary deletions in order to ensure the accuracy of the register when the first return is made. A similar examination of their registers should also be carried out by the Medical Officers of Health of county boroughs, in order that the registers in all areas may be rendered as accurate as possible. It is proposed to ask the Medical Officer of Health of each county borough to furnish the Minister at the end of each year, commencing with the year 1925, with a return showing the number of notified cases of tuberculosis in the county borough at the end of the year. Further copies of the regulations may be purchased from H.M. Stationery Office, at the addresses shown on the Order.

I am, etc.

S. R. AND O., 1924, No. 1411.

THE PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS, 1924, DATED 18TH DECEMBER, 1924, MADE BY THE MINISTER OF HEALTH.

69,551.

* * * * * *

1. These Regulations . . . shall come into operation on the 1st day of January, 1925, and shall be read as one with the Regulations of 1912 and the Public Health (Tuberculosis) Regulations, 1921.

2. Every Medical Officer of Health shall furnish the Medical Officer of Health of the administrative county within which his district is situate, as soon as practicable after the end of each quarter, with a statement, compiled from the Register of Notifications required to be kept by him by Article XI. of the Regulations of 1912, and showing—

(*a*) The number of cases of tuberculosis on his register at the commencement of the quarter;

(*b*) The number of cases notified to him under the Regulations of 1912 for the first time during the quarter;

(*c*) The number of cases removed from the register during the quarter (giving the name and address of each such case, and the reason for such removal); and

(*d*) The number of cases remaining on the register at the end of the quarter.

Separate figures shall be given in each case for males and females, and for pulmonary and non-pulmonary cases.

3. In these regulations, the expression "quarter" means each period of three months ending on the 31st day of March, the 30th day of June, the 30th day of September, or the 31st day of December, as the case may be.

VENEREAL DISEASES.

A statement (superseding that issued in January, 1923) was issued by the Ministry of Health in May, 1924, (List 7), showing the Treatment Centres approved by the Minister under Article III. of the Public Health (Venereal Diseases) Regulations, 1916, the Days and Hours of the Out-Patient Clinics, and the Days and Hours for Irrigation of Cases of Gonorrhœa during the intervals between the Clinics.

ENCEPHALITIS LETHARGICA: ISSUE OF REVISED MEMORANDUM.

In view of the increase in the prevalence of Encephalitis Lethargica in this country during April and May, as shown by the notification returns, the Memorandum on this disease, which was prepared by the Ministry of Health in 1921, was revised and re-issued to Medical Officers of Health in June, 1924.

On the State of the Public Health Annual Report of Chief Medical Officer of Ministry of Health for the Year 1923.—Copies of this report are obtainable from usual sources, price 3*s*.

DISEASES OF ANIMALS.

See "Animals."

DISTRICT COUNCILS.

See also "Elections"; "Employment"; "Municipal Corporations."

IV.—DEPARTMENTAL DECISIONS.

Payments to Members of Local Authorities.

The Ministry of Health informed a local authority that there is no legal authority for the payment out of the rates to a member of a local authority in respect of the loss of remunerative time while engaged on the business of the authority, whether within or without the district. Neither is there any legal authority for charging upon the rates the cost of refreshments supplied to members while engaged on their duties within their district.

In the case of conferences or meetings outside the area of the authority, to which a delegate can lawfully be sent, the local authority may properly pay, in addition to the reasonable travelling expenses actually incurred by their representative, a subsistence allowance not exceeding £1 5*s*. for each complete day's absence (involving absence by night), or 8*s*. 4*d*. for absence of ten hours or more by day. If, in any particular case, it is found necessary to charge subsistence expenses in excess of the above amounts, it is open to the District Auditor to allow such excess charges, if he is satisfied that they have been necessarily incurred.

Change of Name.

Section 55 (3) of the Local Government Act, 1888, enacts that any district council may, with the sanction of the county council, change their name and the name of their district. An urban district council, whose district consisted of one parish, passed a resolution changing its name and the name of the urban district, and this change was sanctioned by the county council. Thereupon it was assumed that the name of the parish was also changed, and precepts and other documents were addresed to the overseers adopting the new description. A question having been raised, the point was submitted to the Ministry of Health, who held that the name of the parish had not been altered. It appears that there is no direct procedure by which the name of a parish can be changed.

Disqualification of Councillors—Housing Subsidy.

The Clerk to an Urban District Council wrote to the Ministry of Health stating the following case :—

X., who was a builder, and a member of the council, applied to the council for a subsidy in respect of twenty houses. The houses were included in a scheme of the council which was approved by the Ministry. The council afterwards decided that three of X.'s houses which had been erected or partly erected by December, 1923, were beyond the limit of size laid down by the council, and were not eligible for subsidy. Some question arose on X.'s plans, which delayed the issue of certificates, and on 12th February, 1924, the Clerk to the Council received a letter from X.'s solicitors applying on behalf of a certain lady for the issue of certificates in respect of eleven houses, being a portion of the twenty above referred to. On the same day X.'s solicitors produced to the Clerk a conveyance, dated 20th July, 1923, from X. to the lady in question of the land on which it was proposed to build the houses. A certificate was subsequently issued and signed by the lady, who was, in fact, X.'s daughter, and a question had arisen whether, having regard to all the facts of the case, X. was disqualified under Sect. 46 of the Local Government Act, 1894, as being interested in a bargain or contract with the council.

The Ministry's reply, was as follows :—

" I am directed by the Minister of Health to state :

" (1) That he has no jurisdiction to determine any question as to qualification or disqualification of a person by a member of a District Council. It is therefore not within his power to give a ruling as requested in reference to the position of X. Questions such as these can be decided authoritatively by the Court alone, and the Minister usually prefers to suggest that any member of a local authority who may be affected would be acting prudently in taking legal advice before entering into any arrangement with the Council. If he expresses an opinion in the present matter it must be regarded as given solely in the hope of its being of assistance to the Council, and not as having the force of a ruling or decision.

" (2) Subject to this the Minister may say generally that his own advisers take the view that an agreement with a member of a District Council for financial assistance from that Council under the Housing Act, 1923, would disqualify him from membership of the Council.

" (3) As regards the position of X. the Minister thinks it well to draw attention to the terms of Sect. 46 of the Local Government Act, 1894, which refers not merely to contracts between the member and the Council, but to being concerned in any bargain or contract with the Council or participating in the profits of any such bargain or contract or any work done under the authority of the Council. It is observed that, although the subsidy is certified to be payable to the lady referred to in your letter, the houses are in fact being built by X. The Minister is not in a position, obviously, to say what view of the facts would be taken by the Courts, but accepts it that there was a *bonâ fide* transfer of the land to the lady in question, and that it is she who will derive the immediate benefit from the

subsidy; but if, for example, the building of the houses or contract between X. and the lady was contingent upon the grant of the subsidy to the latter in respect of these houses, or if in any other way X. will derive benefit in his business as a builder from the grant of the subsidy to his client, the Courts might well hold that the case fell within the very wide language above quoted of Sect. 46 of the Act."

DRAINS.

See "SEWERS."

EDUCATION.

See also "BLIND"; "CHARITIES."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 1328.

CIRCULAR TO LOCAL EDUCATION AUTHORITIES.

BOARD OF EDUCATION,
3rd April, 1924.

PROVISION OF BUILDINGS, ETC.

SIR,—I am directed by the Board of Education to inform you that Circular 1190,* issued on 11th January, 1921, is withdrawn.

The general effect of that Circular was to postpone expenditure on the development of educational facilities and the provision of sites and buildings unless exceptional circumstances rendered postponement impracticable. The Board are prepared to revert to their old practice of considering on their merits all proposals in respect of Elementary, Secondary, Technical and Nursery Schools and for the development of the School Medical Service.

The Board recognise that if effect is to be given in each area to a policy of remedying defects in the public system of education, it is still very necessary that public resources should be husbanded and that the greatest care should be exercised in the prevention of waste. For, if considerations of economy are disregarded, the realisation of the wider educational purpose which the Board now set before themselves and the Local Education Authorities will be prejudiced and retarded.

So far as Circular 1190 referred to expenditure on Teachers' Salaries, it must not be assumed from its withdrawal that the Board have decided to modify or will, pending the further consideration of salary scales by the Committee over which Lord Burnham presides, decide to modify their own administration in this respect.

I am, etc.

* *See* "Local Government, 1921," p. 371.

Report of the Board of Education for the year 1922–3. [Cmd. 2179.] —This document was issued during the year, and copies can be obtained from usual sources, price 5*s*. A review and criticism of the Report is contained in the *Justice of the Peace* of 16th August, 1924.

Health of the School Child: Annual Report of the Chief Medical Officer of the Board of Education for the year 1923.—This report was issued in November, and is obtainable, price 2*s*.

Public Education in Health: A Memorandum addressed to the Minister of Health by Sir George Newman, K.C.B., M.D., F.R.C.P., Chief Medical Officer of the Ministry of Health and of the Board of Education.—Copies of this document which is dated July, 1924, are obtainable from usual sources, price 6*d*.

EDUCATION ORDERS, ETC., 1924.

S.R. & O. No.	Date, 1924.	Subject.
214	3rd March	Board of Education (Service of Teachers) Registration, under s. 118 of the Education Act, 1921 (Grant Registration, No. 30).
323	12st ,,	Training of Teachers (Amending) Regulations (No. 1), under s. 118 of Education Act, 1921 (Grant Regulations, No. 18, Amendment No. 1, 1924).
675	20th June	Elementary Education Regulations for Substantive Grant for the Financial year 1924–5.
724	1st July	Higher Education Regulations for Substantive Grant to L. E. As.
756	9th ,,	Higher Education Regulations relating to Choice of Employment.
767	16th ,,	Elementary Education Provisional Code Amending Regulations, No. 1.
798	29th ,,	Board of Education (University Scholarships, England, Amending) Regulations, No. 1.
837	7th August	Regulations for Scholarships and Other Awards in Science.
1180	13th October	Training of Teachers (Amending) Regulations, No. 2.
1291	13th Nov.	Higher Education Regulations for Maintenance Allowances.
—	1924	List of Certified Special Schools, Nursery Schools and Recognised Institutions for the Training of Blind and other Defective Students, of Midwives and of Health Visitors (List 42). Price 1*s*. 9*d*.

III.—CASES.

Non-provided Public Elementary School—Direction to Managers to Dismiss Teachers—Dismissal of Teachers by Local Education Authority, s. 29 (2) (*a*), (6).]—The plaintiffs were the headmaster and headmistress respectively of certain public elementary non-provided schools in the city of Sheffield and had attained the age of sixty years. The council of the Sheffield Corporation, as the local education authority, had, pursuant to s. 4 (2) (*b*), of the Education Act, 1921, delegated their powers under that Act to an Education Committee. In December, 1922, the Education Committee requested the Sheffield City Council to provide £345,725, to be drawn from the local rates, to meet the ordinary expenditure on education for the year ending

31st March, 1924. From that sum the council disallowed £20,000; and, in order to curtail their expenditure by that amount, the Education Committee resolved upon the dismissal of more than half the number of teachers over the age of sixty years eligible for pensions whom, including the plaintiffs, the director of education for the city had recommended for retirement. That resolution was passed under great pressure from the Board of Education and the city council as an urgent measure of economy and as the only alternative to suspending certain branches of instruction. Further, it was passed in the absence of sufficient information relating to either of the plaintiffs or their schools upon which it could properly be determined whether any and what educational grounds existed to justify their dismissal. In pursuance of that resolution, the Education Committee, in April, 1923, directed the managers to terminate their agreements with the plaintiffs, and stated that the educational grounds upon which the committee based their direction under Sect. 29 of the Act of 1921, were that, as the plaintiffs had reached the age of sixty and were eligible for superannuation, the educational interests of the schools would be served by their retirement and the appointment of younger teachers. The managers refused to carry out those directions, and the committee, through the Director of Education, themselves exercised their powers under Sect. 29, and gave notice to each of the plaintiffs to terminate their engagements, alleging as educational grounds that the committee were satisfied that, by reason of age, the plaintiffs were not able to perform their duties as efficiently as younger head teachers. The plaintiffs contested the validity of the notices on the ground that they were not based on educational grounds, as required by Sect. 29 of the Act of 1921, and brought these actions for declarations that the notices were invalid and inoperative and for relief by injunction. The Court, having found as a result of the evidence that the real and only grounds for the dismissal of the plaintiffs were financial and that the alleged educational grounds were merely colourable:

HELD—(1) that the notices of dismissal were not based on educational grounds, as required by Sect. 29 (2) (*b*) of the Education Act, 1921, and were, therefore, invalid and inoperative; the case being covered by the decision in *Hanson* v. *Radcliffe Urban Council*, [1922] 2 Ch. 490; (2) that, even if the grounds were mixed grounds, compounded in part of financial and in part of educational grounds, they were not educational grounds within the meaning of that sub-section. See *Reg.* v. *St. Pancras Vestry* (1890), 24 Q. B. D. 371.

SADLER *v.* SHEFFIELD CORPORATION, DYSON *v.* SHEFFIELD CORPORATION, [1924] 1 Ch. 483; 93 L. J. Ch. 209; 131 L. T. 55; 88 J. P. 45; 40 T. L. R. 259; 68 Sol. Jo. 403; 22 L. G. R. 138—Lawrence, J.

Secondary School—Provision for Fees in Prospectus—Collateral Undertaking—Education at Cost "not Covered by Fees Payable"—Compulsory Increase of Fees.]—A county education committee has no power to increase the fees of pupils at one of their public secondary schools above the figure agreed between them and the parents of the pupils, although the increase has been sanctioned by the Board of Education.

SPRY *v.* KENT EDUCATION COMMITTEE (1924), 40 T. L. R. 559; *sub nom.* SPRY *v.* KENT COUNTY COUNCIL, 22 L. G. R. 515—Div. Ct.

IV.—DEPARTMENTAL DECISIONS.

Works at Public Elementary Schools—Relief of Unemployment.

The Board of Education informed a local education authority that they had been consulted by the Unemployment Grants Committee with regard to applications made by the Authority to the Committee for grants in respect of the work on the foundations of a school including basement up to ground floor level. In the event of the work being accepted by the Unemployment Grants Committee for grant, no loan or other charges in respect of that expenditure would be recognised for grant by the Board during the period for which the Committee's grant is payable. Subject to this, and to the arrangements being finally approved, the Board would recognise the expenditure involved in the Authority's proposals as expenditure in aid of which Parliamentary grants may be paid to the Authority under Sect. 118 (2) of the Education Act, 1921. It must, however, be understood that all special approvals of expenditure by the Board are subject to the proviso to Article 3 of grant regulations No. 1, that the expenditure to be recognised for grant in any area will be subject to such limits as are, in the opinion of the Board, necessary in order that the total grants may fall within the amount voted by Parliament for the purpose.

Exclusion from Non-provided School of Children living outside City.

A local education authority directed the managers of a non-provided elementary school to exclude from attendance certain children resident outside the area of the local authority. The managers refused to carry out the direction, and the local authority, after due notice, refused to maintain the school. Thereupon the managers appealed to the Board of Education, and that Board wrote as follows :—

" I am directed to state that the Board of Education determine, under Sect. 29 (9) of the Education Act, 1921, that the authority are not entitled to cease to maintain the Roman Catholic school in question on the ground of the refusal of the managers to comply with the direction to exclude from the school children residing outside the city area. The managers are being informed of this determination. I am to point out that the authority are under an obligation to maintain this school so long as the managers satisfy the statutory conditions, and that there is no provision in the Education Act enabling the authority to direct exclusion of children not residing in the authority's area."

British Empire Exhibition—Visits of School Children.

In reply to a question as to the grant payable by the Board on reasonable expenditure incurred in travelling to the British Empire Exhibition, the Board of Education called the attention of a Local Education Authority to Administrative Memorandum No. 3 (House of Commons question and answer 156), from which it would be seen that visits to the Exhibition must take place, in the case of public elementary school children under Article 44 (*a*) or (*b*) of the Code, and in the case of pupils from institutions of higher education, within the school term, if the expenditure is to be recognised for grant. Subject to these conditions, the expenditure would rank for grant in the one case under Article 2 (*c*) of Grant Regulations No. 1 (20 per cent.) and in the other under Article 2 of Grant Regulations No. 4 (50 per cent.).

Meals at Secondary Schools.

The Ministry of Health expressed the view that a local education authority may incur reasonable and necessary expenditure in providing meals for pupils at secondary schools. Steps should, however, be taken to secure that the cost of meals is met as far as possible by payments from pupils.

ELECTIONS AND ELECTORS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 668.

REGISTRATION OF ELECTORS.

ORDER IN COUNCIL FURTHER AMENDING THE REPRESENTATION OF THE PEOPLE ORDER.

At the Court at Buckingham Palace, the 30th day of May, 1924.

Present :

The KING's Most Excellent Majesty in Council.

Whereas by the Representation of the People Acts, 1918 to 1922, power is conferred upon His Majesty to make provision for various matters by Order in Council :

And whereas by the Representation of the People Order His Majesty was pleased by Order in Council to make provision for various matters under those Acts :

And whereas by Section 40 (2) of the Representation of the People Act, 1918, any Order in Council made thereunder may be revoked or varied as occasion requires by any subsequent Order in Council :

And whereas it is expedient that the Representation of the People Order should be amended in manner hereinafter appearing :

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by those Acts and of all other powers enabling Him in that behalf is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The following forms of claim to be registered shall be substituted for the forms numbered (1), (2), (3), (4), (5), (6), (7) and (8) under Heading II. in Schedule I. to the Representation of the People Order :—

(The forms are too long for insertion in this work. The order appeared in full in the *London Gazette* of 13th June, and a copy has been furnished to all Registration Officers.)

III.—CASES.

Nomination Papers—Time of Delivery—Municipal Corporations Act, 1882, *ss.* 55, 72, *Sched. Third, Part II., r.* 7.]—Rule 7 in Part II. of the 3rd Sched. to the Municipal Corporations Act, 1882, as to the time before which nomination papers of candidates for a borough council must be delivered, is mandatory ; and, if the rule is not complied with, it is not competent for the Court to hold under Sect. 72 that the election of a candidate who has been nominated in an irregular manner has been conducted in accordance with the principles laid down in the body of the Act, and that his election is valid.

CUTTING *v.* WINDSOR (1924), 40 T. L. R. 395 ; 22 L. G. R. 345—Div. Ct.

Rural District Council—Delivery of forged nomination paper.]—The appellant was convicted at Gloucester Assizes of delivering a forged nomination paper to the returning officer of a then pending rural district council election, and was sentenced to three months' imprisonment with hard labour.

The indictment on which the appellant was charged was laid under Sect. 74 of the Municipal Corporations Act, 1882, which made it a criminal offence to deliver to a town clerk a forged nomination paper for the purpose of any municipal election. The material words in the section were repealed by Sect. 20 of and the Schedule to the Forgery Act, 1913. Rural district councils were created by the Local Government Act, 1894, s. 48 (3) of which provided that Sect. 74 of the Municipal Corporations Act, 1882, should apply to elections for such councils. The relevant provisions of the Act of 1894 and the Rural District Councillors Election Order, 1898, which was made under it and provided for the adaptation of Sect. 74 of the Act of 1882 to rural district council elections, had not been repealed.

HELD—that the Local Government Act, 1894, and the Rural District Councillors Election Order, 1898, did not operate to keep alive Sect. 74 of the Municipal Corporations Act, 1882, so far as it related to rural district council elections, but that they were themselves impliedly repealed by the Forgery Act, 1913, so far as they adopted the provisions of Sect. 74 of the Act of 1882 to rural district council elections.

R. *v.* TAYLOR, [1924] W. N. 246; 93 L. J. K. B. 912; 88 J. P. 152; 40 T. L. R. 836; 69 Sol. Jo. 12; 22 L. G. R. 681—C. C. A.

IV.—DEPARTMENTAL DECISIONS.

Local Government Elections.

In the House of Commons on 14th May, 1924, Lieut.-Colonel Woodwark asked the Minister of Health if he would consider the amendment of the law relating to county council and district councils elections in order to avoid frivolous and unnecessary elections which throw further burdens on ratepayers, and to bring them under the same conditions as now exist in Parliamentary elections to the extent that a deposit shall be payable by each candidate, which deposit shall be forfeited if he does not poll one-eighth of the total number of votes cast.

Mr. Henderson, who replied, said: "The suggestion will be considered when legislation to amend the Acts is undertaken, but as the hon. and gallant Member will be aware, it is a matter about which there is likely to be considerable difference of opinion."

ELECTRIC LIGHTING AND POWER.

See also "TRAMWAYS."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

APPLICATION OF ELECTRICITY PROFITS—PARLIAMENTARY DECISION.

(From *The Justice of the Peace* of 12th July, 1924.)

The Electric Lighting (Clauses) Act, 1899, by Sect. 7, makes provision for the application of money received by local authorities as electricity undertakers. Under that enactment, as applied by

numerous special orders or local Acts, all moneys received by local authority undertakers shall be applied, first, in payment of working expenses, debt charges, " and all other their expenses of executing the special order, not being expenses properly chargeable to capital " ; and, in the next place, in providing a reserve fund " if they think fit." The net surplus then remaining in any year, and the annual proceeds of the reserve fund when amounting to the prescribed limit, *i.e.* to one-tenth of the aggregate capital expenditure—is to be carried to the rates, or, at the option of the local authority, it may be applied in whole or in part " to the improvement of the district " (whatever that may mean), or in reduction of the capital moneys borrowed for electricity purposes.

This clause, which has been included in all the special orders obtained by Metropolitan borough councils or their predecessors, the vestries, was the subject recently of much discussion and argument before a select committee, first, of the Commons and later, of the Lords, in connection with the current London County Council (General Powers) Bill. In that Bill it was proposed to amend the clause in question so as to enable Metropolitan borough councils to apply the net surplus on their undertakings in any year, after meeting maintenance and loan charges, to capital purposes in connection with the undertaking, instead of raising a fresh loan for such purposes. The gas companies strongly opposed the amendment before the House of Commons Committee. That Committee, however, agreed to pass the clause, with an addition requiring the consent of the Electricity Commissioners to the application of profits for capital purposes. Last week, before a Select Committee of the Lords, the gas companies renewed their attack on the clause as thus altered. Ultimately, the Committee passed the clause, subject to certain further alterations submitted by the promotors, in view of the opposition of the companies, coupled with a hint from the Chairman of the Committee that some settlement should be arranged.

In the clause in its final form, the consent of the Electricity Commissioners is eliminated ; and, while the local authority are to be empowered to utilise surplus profits for fresh borrowing purposes as proposed, instead of paying them to the credit of the rates, an important proviso is added, which, to some extent, introduces a new principle in regard to the disposal of the profits of an undertaking. Under the proviso, " the powers of this section shall not be exercisable by any borough council if and so long as the aggregate amount (if any) of the deficiencies of income of their electricity undertaking paid out of the local rate exceeds the aggregate amount (if any) of the net surplus revenue of that undertaking carried to the credit of the local rate or applied to the improvement of their borough, or in reduction of the capital moneys borrowed by them for electricity purposes."

ELECTRICITY METERS.

Electricity Commission,
Gwydyr House, Whitehall, S.W.1,
16*th August*, 1924.

For the purposes of the Electricity (Supply) Acts, 1882 to 1922, and all Orders and Licences made or granted and issued thereunder, and any local Act relating to the supply of electricity, the Electricity

Commissioners approve of the construction and pattern of the meter (hereinafter described) for the measurement of electrical energy when supplied on the constant pressure two-wire single-phase alternating current system, and known as the "Measurement" Single-phase Watt hour Meter, Type "A," rated sizes 2·5 amperes, 5 amperes, 10 amperes, 15 amperes, 20 amperes, 25 amperes, and 30 amperes, at 100 to 250 volts and 50 periods per second.

Provided that the meter be constructed as described in the specification and drawings deposited at the National Physical Laboratory, Teddington, Middlesex, and dated and numbered 20th December, 1923, and No. 96, and be in accordance with one of the pattern meters Nos. 36,086, 36,087, 36,088, 36,089, 36,090, 36,091, 36,092, 27,337 and 36,093 deposited at the National Physical Laboratory on the 15th November, 1923, and the 28th November, 1923, respectively by or on behalf of Measurement Limited, 34–38, Provost Street, City Road, London, N.1, and sealed by the National Physical Laboratory at the instance of the Electricity Commissioners.

The Electricity Commissioners further approve of the means provided for fixing meters of this description, and for connecting them with the service lines as described in the specification and drawings above referred to.

The approval by the Electricity Commissioners dated the 27th July, 1923, of the construction and pattern of the "Measurement" Type "A" Meter rated size 5 amperes at 100 volts and of the means provided of fixing the same and for connecting the same with service lines, is hereby superseded.

Fourth Annual Report of the Electricity Commissioners (for the year ended 31st March, 1924).—This Report was issued during the year and placed on sale, price 3*s*.

III.—CASES.

Maximum Charge—Local Authority Original Undertakers—Transfer to New Undertakers with Board of Trade's Approval—Contract by New Undertakers not to Exceed Prices of Neighbouring Borough—Ultra Vires—*Electric Lighting Act*, 1882, *s*. 11.]—A corporation who were undertakers for the supply of electricity transferred, with the approval of the Board of Trade, their undertaking to the defendants, who agreed not to charge higher prices than those charged in the neighbouring borough. For the last two years the defendants had exceeded the borough's price, and the plaintiffs brought this action for an injunction to restrain the breach of agreement:

HELD—that the agreement might conceivably in certain circumstances be incompatible with the proper discharge of the defendants' statutory duties. It was, therefore, *ultra vires*, and the action must be dismissed.

SOUTHPORT CORPORATION *v.* BIRKDALE DISTRICT ELECTRIC SUPPLY CO., LTD., [1924] W. N. 298; 69 Sol. Jo. 176; 59 L. Jo. 759; 158 L. T. Jo. 409—Astbury, J.

Transfer of Undertaking—Compensation for Deprivation of Employment—Jurisdiction of Referee Appointed by Minister of Labour.]—Under Sect. 16 of the Electricity (Supply) Act, 1919, as amended by Sect. 21 of the Electricity (Supply) Act, 1922, which relates to claims for compensation for deprivation of employment by officers or servants of an undertaking which has

been transferred under or in consequence of the Act of 1919, the referee appointed by the Minister of Labour under the section is in the position of an arbitrator and has power to determine whether the transfer of the undertaking giving rise to the claim has been effected "under" the Act of 1919, as well as the *quantum* of compensation payable. If the claimant fails to satisfy the referee that the transfer was "under" the Act of 1919, the question whether it was "in consequence of" that Act is, by the proviso to Sect. 21 of the Electricity (Supply) Act, 1922, to be determined by the Electricity Commissioners.

R. *v.* LABOUR MINISTER, [1924] 2 K. B. 210; 88 J. P. 131; *sub nom.* R. *v.* LABOUR MINISTER, *Ex parte* TORQUAY CORPORATION, [1924] 2 K. B. 210; 93 L. J. K. B. 780; 131 L. T. 190; 40 T. L. R. 702; 22 L. G. R. 617—Div. Ct.

Extension of Existing "Generating Station"—Extension of Capacity but not of Size of Plant—Consent of Electricity Commissioners.]—The substitution for existing plant of smaller but more efficient plant inside a generating station is an extension of that station as defined by Sect. 36 of the Electricity (Supply) Act, 1919, and requires the consent of the Electricity Commissioners under Sect. 11 of that Act. The defendants' Electric Lighting Order provided for the application of revenue in payment of working and establishment expenses and interest or dividend on mortgage stock or other securities, in providing instalments or sinking fund in respect of borrowed moneys and a reserve fund, and in payment of "all other expenses of executing this Order not being expenses properly chargeable to capital":

HELD—that the cost of installing the new plant was an expense properly chargeable to capital, and that the defendants were not empowered or authorised to pay for the cost of the new plant out of unapplied income.

A.-G. *v.* EALING CORPORATION, [1924] 2 Ch. 545; 93 L. J. Ch. 516, 131 L. T. 467; 88 J. P. 153; 40 T. L. R. 577; 68 Sol. Jo. 632; 22 L. G. R. 465—Romer, J.

EMIGRATION.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

BOARDS OF GUARDIANS (ENGLAND AND WALES).

OVERSEA SETTLEMENT DEPARTMENT,
(COLONIAL OFFICE),
3–4, CLEMENT'S INN, W.C.2,
11*th September*, 1924.

EMPIRE SETTLEMENT ACT, 1922.

MIGRATION OF POOR PERSONS AT THE COST OF THE POOR RATES.

NOTE.—It may be necessary to revise these arrangements at a later date.

1. ASSISTED PASSAGES TO AUSTRALIA.

(*a*) *Adults.*—When a person of 16 years of age and over whom the Guardians are willing to assist desires to proceed to Australia, he or she should, in the first instance, apply to the Local Employ-

ment Exchange or to the Director of Migration and Settlement for the Commonwealth of Australia, Australia House, Strand, W.C.2, for particulars in regard to the scheme. If the Australian Authorities are prepared to accept him or her in due course as a suitable settler for Australia, a free grant of £11 towards the cost of the passage to Australia will be made jointly by the British and Australian Governments. The cost of the passage at the present time is £33, and accordingly there would remain to be provided £22 in respect of passage money for each adult person, together with, where necessary, £3 landing money, making £25 in all, plus the cost of any necessary outfit or medical examination and of transit to the port of embarkation (Tilbury).

It is possible that the Australian Authorities would be prepared in some cases to lend the whole or a portion of the sum of £25 above referred to in respect of approved migrants. If, however, the approved applicants, as will frequently be the case, are asked to provide a portion of the passage money, it is recommended that where necessary the Guardians should make a contribution of such portion of the passage money, and in addition they should provide where necessary the cost of outfit, medical examination and transit to the port of embarkation.

(*b*) *Juveniles accompanying their parents or other approved guardians.*—Under an agreement between the Secretary of State for the Colonies and the Government of the Commonwealth of Australia, a grant of £16 10*s.* is jointly made by the two Governments towards the cost of the passages of all approved juveniles of 12, 13, 14 or 15 years of age. The full cost of the passage is £33, and there thus remains to be provided £16 10*s.* in respect of passage money and (where necessary) £2 in respect of landing money, making £18 10*s.* in all, together with the cost of any necessary outfit, medical examination and transit to the port of embarkation. The Australian Authorities may, in certain cases be prepared to lend the whole or some portion of this sum of £18 10*s.*, and it is suggested that the Guardians should contribute the balance (if any) in respect of all juveniles who are accepted, together with other miscellaneous expenses of the character mentioned above.

(*c*) *Children under* 12 *years of age, accompanying their parents or other approved guardians.*—The cost of the passages in these cases amounts to £16 10*s.* and the Governments concerned are prepared to provide this sum as a free grant in the case of children accompanying their parents. The Guardians will, therefore, where necessary, only be called upon to provide the above-mentioned miscellaneous expenses, *i.e.* cost of outfit, medical examination and transit to the port of embarkation.

(*d*) *Unaccompanied juveniles and children who are maintained by the Guardians in Institutions, etc.*—In certain cases unaccompanied juveniles of 12, 13, 14 or 15 years of age may be accepted under special Farm Schemes arranged by Governments in Australia, or juveniles and children under 12 may be accepted under special schemes arranged by such bodies as the Salvation Army, Dr. Barnardo's Homes or the Child Migration Society (Savoy House, Strand, London, W.C.2). In such cases it is recommended that the Guardians should, in addition to the usual miscellaneous expenses, provide one-half of the fare, viz. £16 10*s.* for juveniles and £8 5*s.* for children under 12.

2. ASSISTED PASSAGES TO CANADA.

(*a*) *Adults.*—A scheme has been arranged with the Government of the Dominion of Canada for a loan to be made in respect of the cost of passages to men approved by the Dominion Government who are willing to proceed to Canada as farm workers. Where the Guardians are in a position to recommend a man who desires to proceed to farm work in Canada as suitable, both in regard to general character and physique, they should communicate with the Superintendent of Emigration for Canada, 1, Regent Street, London, S.W.1, or in the case of the Provinces, with one of the Canadian Government Agents,* in order to inquire whether the man concerned can be accepted under the Nomination Agreement for Farm Workers concluded between the British and Canadian Governments. No contribution will be asked from the Guardians in respect of the cost of passages in such cases, but it is anticipated that in many cases the men concerned will require outfits and assistance towards the cost of medical examination and railway fare in the United Kingdom. It is suggested that in approved cases the Guardians might contribute towards such supplementary expenses.

(*b*) *Families.*—Married men accompanied by their families may receive assistance under the scheme referred to in section (*a*). A loan will be made in respect of the cost of the passages of adults over 17 years of age. Children under 17 years of age (on the 1st April in the financial year of sailing) accompanying their parents will be eligible for a free grant of the cost of the journey. No contribution will be asked from the Guardians in respect of the cost of such passages, and it is suggested that in approved cases the Guardians might contribute towards the supplementary expenses indicated above. Where the husband is already engaged in farm work in Canada, his wife and children may also be nominated under this scheme.

(*c*) *Women.*—A scheme has also been arranged with the Canadian Government for advancing the cost of the passages of women who are in all respects suitable to undertake household service in Canada. Should the Guardians be able to recommend such women who desire to go to Canada as suitable for this scheme, in respect of character, ability and physique, they should similarly communicate with the Superintendent of Emigration for Canada. As in the case of men, no contribution will be asked from the Guardians in respect of the cost of passages, but it may be necessary for the Guardians to consider the provision of the same items of additional expenditure as are indicated above in the case of men.

(*d*) *Children.*—A scheme has been arranged with the Canadian Government for assistance in respect of children proceeding through recognised Voluntary Child Migration Societies who have not reached their 17th birthday on the 1st April in the financial year of sailing

* The addresses of the Canadian Government Agents are as follows :—

Bangor	310, High Street.
Birmingham	139, Corporation Street.
Bristol	52, Baldwin Street.
Carlisle	54, Castle Street.
Liverpool	48, Lord Street.
Peterborough	Market Place.
Southampton	8, Canute Road.
York	Canada Chambers, Museum Street

(1st April to 31st March). Under this scheme, the Canadian Government will normally make a free grant of 40 dollars per child (approximately £8) and the inspection fees payable prior to the 1st January, 1923, will not be payable. The contribution of the Secretary of State for the Colonies takes the form of a free grant of one half of the cost of Societies in providing an after-care organisation for the children in Canada.

Until the 1st November, 1924, the Shipping Companies will convey such children to Canada at a reduced charge and until that date the Canadian Government grant will be reduced to a sterling grant of £7 5*s*.

In these circumstances, it has been arranged in agreement with the approved Child Migration Societies, that children will, in approved cases, be taken by them to Canada up to 1st November, 1924, for a fixed contribution of £23 for each child. Thereafter the rate will probably be £24. In return for this sum, the Migration Societies will provide the child with an outfit and pay all the expenses of transportation, etc., but they would charge an additional agreed sum for maintenance for any period during which the child was in the Home belonging to them in this country for a period prior to embarkation. There would, of course, be no objection to the Guardians themselves providing outfits should they so desire, and they would then make any necessary adjustment in the fixed sum payable to the Migration Societies.

The reduced charge of £23 has been fixed in the expectation that the Child Migration Societies will deal with considerably larger numbers of children than has hitherto been the case. In this connection a Delegation from the Oversea Settlement Committee will, in September next, proceed to Canada in order to inquire further into the whole system adopted for placing and supervising children in that Dominion. Full particulars in regard to the Report of the forthcoming Delegation will be available in due course.

(*e*) *Other persons.*—Persons who are not eligible to receive assistance under schemes with the Canadian Government, but who are approved as emigrants, may, in certain cases, receive assistance under schemes arranged with the Salvation Army and British Dominions Emigration Society.

Enquiries on the subject should be addressed to

BRITISH DOMINIONS EMIGRATION SOCIETY,
34, NEWARK STREET, STEPNEY, E.1.

THE SALVATION ARMY,
MIGRATION HOUSE, 3, UPPER THAMES STREET, E.C.4.

3. ASSISTED PASSAGES TO NEW ZEALAND.

Assisted passages to New Zealand can only, as a general rule, be provided in respect of experienced female household workers, and of persons who have relatives or friends in New Zealand who can nominate them (*i.e.* guarantee employment and a home). Applications from persons who appear to fulfil these conditions should, in the first instance, be addressed to the Migration Officer for New Zealand, 415, Strand, London, W.C.2.

Two memoranda are appended describing (1) the procedure which should be followed in making applications for sanction to

expenditure on migration, and (2) the system followed in Canada in the settlement of children migrated from this country.

* * * * * *

Further copies of this Memorandum can be obtained from the Oversea Settlement Department, 3–4, Clement's Inn, London, W.C.2.

EMPLOYMENT OF WORKMEN.

See also "ACCOUNTS;" "ALLOTMENTS;" "EDUCATION;" "OFFICERS."

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of the Unemployment (Relief Works) Act, 1920.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 473.

TO LOCAL AUTHORITIES.

MINISTRY OF HEALTH,
19*th January*, 1924.

KING'S ROLL.

SIR,—I am directed by the Minister of Health to call your attention to the Interim Report of the King's Roll National Council of which Field-Marshal Earl Haig is Chairman. In this report, published in July, 1923, the Council, after reviewing the steps already taken to find employment for ex-Service men disabled in the last war, recommends, among other things, that local authorities should be invited to give a preference in all their contracts to firms who are on the King's Roll.

For a considerable time this has been the practice of the various Government Departments, who, save in exceptional circumstances, confine their contracts to firms on the Roll. The practice has already been adopted by many local authorities throughout the country; and it is the desire of the Government that a similar policy should be followed generally.

Your authority are accordingly invited to give this matter their early consideration, and to take steps to give effect to the recommendation of the King's Roll National Council.

I am, etc.

CIRCULAR 505.

TO LOCAL AUTHORITIES.

MINISTRY OF HEALTH,
23*rd May*, 1924.

SIR,—I am directed by the Minister of Health to draw your attention to the fact that unemployment among painters and other tradesmen normally engaged in work of internal decoration is

much higher in the winter than in the summer. There would be manifest advantage if an effort were made to spread throughout the year the work which is available. The Government, therefore, wish to urge local authorities that, so far as it may be practicable to do so, they should arrange that painting and other work of internal decoration is not put in hand during the spring and summer, when there is usually a full demand from other sources for painters, etc., but that they should arrange to have such work done during the late autumn and winter months, when the opportunities for employment are less.

The Minister is of opinion that the general gain if local authorities would adopt this suggestion would outweigh any advantage which might accrue from following the normal course of doing internal painting work during months of fine weather. He trusts, therefore, that local authorities will take all possible steps to postpone work of the kind mentioned which is contemplated during the next few months, in order that it may be put in hand during the winter months of 1924–25, and will adopt the same policy in subsequent years. I am, etc.

UNEMPLOYMENT GRANTS COMMITTEE,
23, BUCKINGHAM GATE,
LONDON, S.W.1,
27th June, 1924.

WORKS FOR THE RELIEF OF UNEMPLOYMENT.

WINTER, 1924–25.

SIR,—I am directed by the Unemployment Grants Committee to refer to their Circular Letter of the 27th February, 1924, with regard to works for the relief of unemployment during the coming winter, and to express the hope that local authorities are, in accordance with the terms of that Circular, preparing schemes for submission to the Committee in time to secure commencement of approved work during the autumn and early winter.

It would be of material assistance in expediting and facilitating approval of such schemes of work if local authorities would submit as many schemes as possible during the coming month.

The Committee feel that it might also be of assistance to local authorities in the selection and formulation of their schemes if officers of the Committee visited certain industrial centres and conferred with representatives of the authorities on the subject. So far as this is practicable efforts will be made to make arrangements of this nature in consultation with local authorities during the next few weeks.

It is hoped that local authorities will once again co-operate with the Government and that it will be possible for them to put in hand at least as much work as was done last winter when, as a result of their co-operation, the Committee were enabled to approve for grant schemes to the value of nearly £20,000,000.

The terms on which State assistance was afforded last winter are set out overleaf, and it has been decided by the Government that these terms will again be offered for works which can be commenced during the coming winter.

I am, etc.

TERMS OF ASSISTANCE.

1. CAPITAL WORKS FINANCED BY LOAN.

Revenue-producing Schemes.

Grants equal to 50 per cent. of interest in respect of expenditure on approved schemes will be paid by the State for a period of fifteen years or for the period of the loan, whichever is the less.

Non-Revenue-producing Schemes.

Grants equal to 65 per cent. of the interest and sinking fund charges on loans raised to meet expenditure on approved schemes will be paid by the State for a period of one-half the term of the loan, subject to a maximum of fifteen years.

2. WORKS FINANCED OTHERWISE THAN BY LOAN.

Grants will be paid by the State on the basis of 60 per cent. of the wages bill for unemployed men taken on for the work.

Unemployment: statistics relating to Financial Provision for Relief of Unemployment (including post-war resettlement of ex-members of His Majesty's Forces) from the Armistice. [Cmd. 2082, price 3*d.*]

Third (Interim) Report of Proceedings of the Unemployment Grants Committee.—This report was issued on 7th July, and copies are obtainable from usual sources, price 6*d.*

Relief of Unemployment: Memorandum by Minister of Labour. [Cmd. 2196.] On the 29th May, 1924, the Minister of Labour was asked to lay a White Paper in connection with the relief of Unemployment, showing the work provided for when the late Government went out of office, with the work provided for at the present time. The result was the issue of a Memorandum dated July, 1924. Copies of this were placed on sale, price 6*d.*

ENTERTAINMENTS.

I.—STATUTES.

FINANCE ACT, 1924.
14 & 15 Geo. 5, c. 21.

* * * * * *

6.—(1) As from the second day of June, nineteen hundred and twenty-four, entertainments duty within the meaning of the Finance (New Duties) Act, 1916, shall be charged at the rate set out in the Second Schedule to this Act.

(2) Where a person who has made a payment for admission to an entertainment subsequently on being admitted to another part of the place of entertainment makes a further payment for admission in respect of the same entertainment, there shall, for the purposes of entertainments duty, be deemed to have been one payment of an amount equal to the aggregate amount of the several payments.

(3) The provisions of this section shall have effect in relation to any payment made before the said second day of June for admission to an entertainment to be held on or after that date as if the payment had been made on or after that date, and, where duty has been charged on any such payment at the rate in force before that date, the person by whom the duty was paid shall be entitled to repayment of the difference between the amount actually paid and the amount, if any, which would have been chargeable on the said payment if it had been made on or after that date.

(4) Notwithstanding anything in section one of the Finance (New Duties) Act, 1916, as amended by any subsequent enactment, entertainments duty shall not be charged on payments for admission to any entertainment where the Commissioners of Customs and Excise are satisfied that the entertainment has been promoted by a society or institution of a permanent character established or conducted solely or partly for philanthropic or charitable purposes, or by two or more such societies or institutions acting in combination, and that the whole of the net proceeds of the entertainment are devoted to philanthropic or charitable purposes, and the provisions in subsection (5) of section one of the Finance (New Duties) Act, 1916, which as amended by subsection (2) of section thirteen of the Finance Act, 1922, require the repayment to the proprietor of an entertainment in certain cases of the amount of the entertainments duty paid in respect of the entertainment, shall have effect as if for the words "and that the whole of the expenses of the entertainment do not exceed thirty per cent. of the receipts" there were substituted the words "and that the whole of the expenses of the entertainment do not exceed fifty per cent. of the receipts."

7. Section eleven of the Finance Act, 1923, which gives relief from entertainments duty in the case of certain entertainments), shall be amended as follows:—

(1) Paragraph (*b*) of subsection (1) shall cease to have effect:

(2) The following shall be substituted for paragraph (*c*):—

"(*b*) That the entertainment consists solely of an exhibition—

(i) of the products of an industry, or of materials, machinery, appliances, or foodstuffs used in the production of those products, or displays of skill by workers in the industry in work pertaining to the industry; or

(ii) of works of graphic art, sculpture, and arts craftsmanship, or of one or more of such classes of works, executed and exhibited by persons who practise graphic art, sculpture, or arts craftsmanship for profit and as their main occupation, or of displays of skill by such persons in such arts or crafts; or

(iii) of articles or displays of skill which are of material interest in connection with questions relating to the public health;

or consists solely of such exhibitions or displays of skill,

together with a performance of music by a band or an exhibition of work or displays of skill by children under the age of sixteen years or by young persons attending a school or other educational institution."

SECOND SCHEDULE.

RATE OF ENTERTAINMENTS DUTY.

Amount of Payment.								Rate of Duty.
Where the amount of the payment for admission, excluding the amount of the duty—								
	s.	*d.*				*s.*	*d.*	*s.* *d.*
exceeds	0	6	and does not exceed			0	7	0 1
„	0	7	„	„		0	8	0 1½
„	0	8	„	„		1	1	0 2
„	1	1	„	„		1	3	0 3
„	1	3	„	„		2	0	0 4
„	2	0	„	„		3	0	0 6
„	3	0	„	„		5	0	0 9
„	5	0	„	„		7	6	1 0
„	7	6	„	„		10	6	1 6
„	10	6	„	„		15	0	2 0
„	15	0	-	-	-	-	-	2 0
								for the first 15*s.*, and 6*d.* for every 5*s.* or part of 5*s.* over 15*s.*

EXPLOSIVES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND ORDERS, 1924, No. 1129.

EXPLOSIVE SUBSTANCE.

ORDER OF SECRETARY OF STATE (No. 11), DATED SEPTEMBER 20, 1924, MAKING BYE-LAWS AS TO THE CONVEYANCE OF EXPLOSIVES ON ROADS, AND IN CERTAIN SPECIAL CASES.

Whereas by Part I. (Sect. 37) of the Explosives Act, 1875 (hereinafter referred to as the Act), it is provided that a Secretary of State may from time to time make and when made rescind, alter or add to bye-laws for regulating the conveyance, loading, and unloading of gunpowder, in any case in which bye-laws made under any other provision of the Act do not apply, and in particular for declaring or regulating all or any of the matters thereinafter following:

And whereas by Part II. (Sect. 39) of the Act it is declared that, subject to the provisions subsequently in Part II. of the Act contained, Part I. of the Act relating to gunpowder shall apply to every other

description of explosive in like manner as if the provisions of such Part I. were re-enacted in such Part II. with the substitution of that description of explosive for gunpowder :

Now, therefore, in pursuance of the aforesaid provisions of the Act, I, one of His Majesty's Principal Secretaries of State, hereby order that the following bye-laws shall be observed with respect to the conveyance, loading, or unloading of gunpowder and other explosives, elsewhere than (1) in any harbour, (2) on any railway or canal with respect to which bye-laws regulating the conveyance, loading, or unloading of explosives may be made under Sect. 35 of the Act, or (3) at any wharf or dock with respect to which bye-laws regulating the loading or unloading of explosive have been made under Sect. 36 of the Act.

1. Explosive shall not be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity be less than 5 lbs., and all due precautions be taken for the prevention of accidents by fire or explosion ; provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (Fulminate) class, or any explosive of the 3rd division of the 6th (Ammunition) class, or any explosive of the 1st division of the 7th (Firework) class ; and

2. Any explosive of the 5th (Fulminate) class, or any such explosive of the 6th (Ammunition) class as contains its own means of ignition, or any explosive of the 7th (Firework) class, shall not be conveyed in the same carriage or boat with any explosive not of the class and division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another :

Provided that this bye-law shall not be deemed to apply to the conveyance of detonators and electric detonators in the same carriage or boat with explosive of another Class or Division if the total number of detonators and electric detonators does not exceed 2,000 in all and the following conditions as to packing are complied with :—

(*a*) The detonators shall be packed in inner packages with sawdust and felt as provided in the Order of Secretary of State relating to the packing of explosive for conveyance and in force for the time being. Such inner packages shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping therefrom, and such case shall be placed inside an outer package in such manner and so secured as to leave a clear space of not less than three inches between the case and every part of the interior of the said outer package, such space to be filled with sawdust, straw, or other similar material.

(*b*) The electric detonators shall be packed in inner and outer packages as defined in the said Order of Secretary of State, the outer package being lined throughout with felt or similar soft material not less than half an inch in thickness.

(*c*) The detonators and electric detonators shall be stowed in the carriage or boat as far away from other explosives as is reasonably practicable.

3. Explosive shall not be deposited in any receptacle or place

appropriated for refuse and shall not be handed or forwarded to any dustman or other person employed in the removal of refuse, nor shall explosive be conveyed in any carriage or boat appropriated for the removal of refuse.

4. With respect to the conveyance in any carriage or boat of any quantity of any explosive of the 5th (Fulminate) class, any quantity of any explosive of the 3rd division of the 6th (Ammunition) class, any quantity of any explosive of the 1st division of the 7th (Firework) class, or any quantity exceeding 5 lbs. of any other explosive, the following regulations shall be observed, viz. :—

(*a*) If the explosive is not effectually protected from accident by fire from without by being conveyed in the interior of a carriage which is enclosed on all sides with wood or metal, or by being conveyed in the hold of a boat having a close deck securely closed, then the explosive shall be completely covered with painted cloth, tarpaulin, wadmill-tilts, or other suitable material, so as to effectually protect it against communication of fire ; and

(*b*) There shall not be any iron or steel in the interior of the portion of the carriage or boat where the explosive is deposited, unless the same be covered either permanently or temporarily with leather, wood, cloth, wadmill-tilts, or other suitable material ; and

(*c*) In any carriage or boat containing explosive no matches other than safety-matches shall be carried for the use of such carriage or boat, and such safety-matches shall be kept in a safe place apart from the explosive ; and

(*d*) In the stowing of explosive in any carriage or boat due precautions shall be taken by means of a partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with, or endangered by, any other article or substance conveyed in such carriage or boat which is liable to cause fire or explosion ; and

(*e*) A person whilst on, in, or attending any carriage or boat containing explosive, shall not smoke when within any town or village ; and

(*f*) A person in charge of any carriage or boat containing explosive shall not drive or conduct the same in a dangerous or reckless manner ; and a person who is intoxicated shall not have charge of any such carriage or boat, and shall not be permitted to be in, on, or attending the same ; and

(*g*) While the loading, unloading, or conveyance of explosive is going on, all persons engaged in such loading, unloading, or conveyance shall observe all due precautions for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the explosive so being loaded, unloaded, or conveyed, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the loading, unloading, or conveyance of such explosive, or of any other article carried therewith, and for preventing any other person from committing any such act ; and any such other person who, after being warned, commits any such act, shall be deemed to commit a breach of this regulation ; and

(*h*) After the loading or unloading of explosive on or out of any carriage or boat is begun, no longer time shall be suffered to pass than with the sue of all due diligence is reasonably necessary for the purpose of such loading or unloading; and

(*i*) A person shall not forward to a warehouseman or carrier a consignment of explosive unless he has given notice to such warehouseman or carrier beforehand, stating the name and quantity of the explosive proposed to be conveyed, and the name and address of the proposed consignee, and has had an intimation, either general or special, of the time at which the warehouseman or carrier is prepared to receive the consignment; and a warehouseman or carrier shall not make such an intimation nor receive such consignment unless he is prepared either forthwith to despatch the same or to deposit it in a magazine or store duly licensed for the keeping of such explosive; and

(*k*) Explosive exceeding 50 lbs. shall not be conveyed in a carriage or boat which is carrying as merchandise any article liable to cause or communicate fire or explosion, such as charcoal, lucifer matches, articles for striking a light, petroleum to which the Petroleum Act, 1871, or any Act repealing or amending the same, applies; and

(*l*) A person in charge of a carriage or boat conveying explosive exceeding 100 lbs. shall not delay for a longer time than may be reasonably necessary, nor stop unnecessarily at any place where such stopping would be attended with special public danger; and

(*m*) In the case of a carriage or boat conveying explosive exceeding 100 lbs. due provision shall be made for preventing the introduction into such carriage or boat of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel, or grit, so as to come into contact with such explosive; and in any such carriage or boat in which the explosive conveyed is liable to be dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive. This regulation shall not prevent the introduction of an artificial light of such construction, position, or character, or of safety-matches of such character, as not to cause any danger of fire or explosion; nor shall it prevent the conveyance of explosive in a mechanically driven carriage or boat subject to such conditions as may be approved by the Secretary of State; and

(*n*) The owner of any carriage or boat on, from, or in which explosive exceeding 100 lbs. is loaded, unloaded, or conveyed, who employs others in such loading, unloading, or conveyance, shall, by furnishing copies of these bye-laws, or by affixing copies of the same in some place where they can be conveniently read, or otherwise, take such measures as may be necessary in order that the persons so employed may be acquainted with the provisions of these bye-laws; and

(*o*) Each carriage or boat conveying explosive in any town or village exceeding 100 lbs., or elsewhere exceeding 1,000 lbs.,

shall be in the exclusive charge of and constantly attended by some competent person, and such person shall not have charge of more than one such carriage or boat. This regulation shall not apply in the case of a carriage forming part of a continuous train on any private railway if such train is in the charge of and constantly attended by some competent person; and

(*p*) The quantity of explosive to be conveyed in any one carriage or boat shall not exceed 2,000 lbs., unless the carriage be so enclosed on all sides with wood or metal, or the boat have a close deck so closed, as effectually to protect the explosive against accident by fire from without, in which case the amount of explosive conveyed shall not exceed the following:

In any one carriage on a private railway whether worked by steam or otherwise	10,000 lbs.
In any one other carriage	4,000 lbs.
In any one boat	50,000 lbs.

Provided that if the explosive consists only of articles incapable of communicating explosion from one to another, such as fuzes for shell, tubes, primers and quick-firing ammunition up to 3-inch calibre, the quantity of explosive that may be conveyed in any one carriage may exceed 2,000 lbs. but may not exceed 10,000 lbs.

(*q*) When two or more carriages or boats conveying explosive exceeding in the aggregate the amount allowed by the preceding regulation to be conveyed in one such carriage or boat, are travelling together, a space of at least 50 yards shall be kept between each such carriage or boat and every other such carriage or boat, unless circumstances render it impracticable, or unless, in the case of a train on a private railway, three or more vans not containing inflammable or explosive goods intervene between each such carriage and every other such carriage.

Nothing in this bye-law shall apply to any explosive of the first division of the 6th (Ammunition) class, provided all due precautions are taken for the prevention of accidents.

5. Any explosive which for the time being is neither authorised (by licence or continuing certificate) to be manufactured for general sale, nor authorised by a licence to be imported for general sale, may be carried only in such manner as may be specially directed by the Secretary of State; provided that this bye-law shall not extend to any explosive which, under Sect. 40, Sub-sect. 9 of the Act, or under any Order in Council made in pursuance of such sub-section, may lawfully be imported without any licence.

In the event of any breach (by any act or default) of any of the foregoing bye-laws, or any attempt to commit such breach:

(*a*) The explosive in respect of which, or being in the carriage or boat in respect of which the offence is committed, may be forfeited; and

(*b*) The person committing the offence shall be liable to a penalty not exceeding in the case of the first offence £10, and in the case of the second offence, or any subsequent offence, £20, and also the following persons, viz.:—the owner of the

carriage or boat in respect of which, or containing the explosive in respect of which, the offence is committed, the person in charge of such carriage, and the person owning such explosive,—shall each be liable to a similar penalty, unless he proves that he had supplied proper means and issued proper orders for the observance, and used due diligence to enforce the observance of these bye-laws.

Wherever in these bye-laws an explosive is distinguished as belonging to a particular class or division of a class, reference is made to the classification of explosives contained in an Order in Council made in pursuance of Sect. 106 of the Act.

This Order shall come into force on the date hereof from which date the Orders of Secretary of State Nos, 4, 4A, 4B, 4C, shall be deemed to be rescinded.

ARTHUR HENDERSON.

Whitehall,
20th September, 1924.

FACTORIES AND WORKSHOPS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

REPORT OF THE DEPARTMENTAL COMMITTEE ON MEDICAL EXAMINATION OF YOUNG PERSONS FOR FACTORY EMPLOYMENT.

[Cmd. 2135.]

This report is dated 30th April, 1924, and copies are obtainable from usual sources, price 6*d.*

The Committee recommend that the examination and certification of young persons should be amended as set out in paragraph 8 (a) of the report, and in addition that the local authorities should at once be invited to submit schemes for taking over such examination and certification of young persons, and that the aim in view should be that if the voluntary trial made by the local authorities proves successful, the transfer of the whole of this work to the local authorities should be ultimately effected by Order of the Departments concerned.

The amendments set out in paragraph 8 (a) are: (1) that the age should be raised from 16 to 18; (2) that the examination should be required in all factories and workshops except such as are specially exempted; (3) certificate should be to the effect that the young person is physically fit; (4) the surgeon should be able to attach conditions to his certificate; (5) the certificate should be obtained within fourteen days and should certify age; (6) examination should be at the factory; (7) the surgeon should be required to acquaint himself as to the actual work, and record his visits; (8) the Home Office should prescribe the standard of examination, etc., and supervise the surgeon; (9) a retaining fee should be paid to the surgeon out of public funds; (10) the title "Examining Factory Surgeon" should replace "Certifying Factory Surgeon"; (11) on application

by an occupier of a factory who employs a medical officer the central authority should have power to appoint him examining surgeon.

Orders of the Secretary of State under the Factory and Workshop Acts.—Particulars of these Orders can be obtained from the Home Office: they are only noticed in this work when they particularly concern local authorities.

Report of the Chief Inspector of Factories and Workshops for the Year, 1923. [Cmd. 2165.]—This document was issued during the year by the Home Office. Copies are obtainable from usual sources, price 3*s*.

FERTILISERS AND FEEDING STUFFS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

REPORT OF THE DEPARTMENTAL COMMITTEE ON THE FERTILISERS AND FEEDING STUFFS ACT, 1906.

[Cmd. 2125.]

This Report is dated 27th March, 1924. Copies are obtainable from usual sources, price 1*s*.

The Committee make numerous recommendations for an alteration of the law as regards the sale and description of fertilisers and feeding stuffs. They consider that the duty of administering the Act should be imposed by statute on all county councils and county borough councils and that local authorities should be required to make public at least half-yearly the results of analyses of all formal samples.

FIRES AND FIRE ENGINES.

III.—CASES.

Railway—Sparks from Engine—Fire on Adjoining Land—Liability for Damage—Absence of Negligence—Compensation—Damage Exceeding Statutory Amount—Statutory Amount only Claimed in Action—Form of Notice and Particulars—Railway Fires Act, 1905, *s*. 1, *ss*. 1, 3; *s*. 3.]—On 20th July, 1921, an engine of the defendants emitted sparks which caused a fire in a part of the Forest of Dean. On the 22nd July, 1921, the Commissioners of Woods and Forests notified the defendants in writing of the fire, and on the 30th July, 1921, they gave particulars of the damage and claimed £3,457, as damages, apparently for negligence at common law, but they did not refer to the Railway Fires Act, 1905. Subsequently on 31st July, 1922, they disclaimed their claim for damages at common law, but claimed £100, the maximum compensation under the Act of 1905. In February, 1923, by information, the Attorney-General claimed £100 from the defendants.

The defendants pleaded that the

damages and claim exceeded £100, and that the notice of claim and particulars of damage in writing were out of time. Section 3 of the Act of 1905 provides that the Act shall not apply unless notice of claim and particulars of damage in writing shall have been sent to the railway company within seven days of the occurrence of the damage as regards the notice of claim, and within fourteen days as regards the particulars of damage. By Sect. 1 (3), Sect. 1 of the Act does not apply unless the claim for damage in the action does not exceed £100.

HELD—that (1) the fact that the damage exceeded £100 did not prevent the Act applying if not more than £100 was claimed; (2) the notice of the particulars of damage was good, though it did not purport to be given under the Act, and was not intended to be given under the Act; and (3) the fact that in the documents a claim was made for more than £100 did not prevent the claimant from maintaining an action under the Act, if he did not in the action claim more than £100. Judgment for the Crown.

ATTORNEY-GENERAL *v.* GREAT WESTERN RY. CO., [1924] 2 K. B. 1; 93 L. J. K. B. 524; 131 L. T. 222; 40 T. L. R. 255; 88 J. P. Jo. 86—McCardie, J.

FOOD CONTROL.

I.—STATUTES.

See under "Act of Parliament," as to the continuance by the Expiring Laws Continuance Act, 1924, of part of the Ministry of Food (Continuance) Act, 1920.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

PRESERVATIVES AND COLOURING MATTERS IN FOOD; FINAL REPORT OF DEPARTMENTAL COMMITTEE.

This document was issued on 30th September, 1924, and copies are obtainable from usual sources, price 1*s.* 6*d.* The following is the summary of the Committee's conclusions and recommendations;

1. Preservatives should be prohibited in all articles of food and drink offered or exposed for sale whether manufactured in this country or imported, except that:

(A) Sulphur dioxide only should be permitted:

(i) in sausages in amounts not exceeding 3 grains per pound;

(ii) in jam in amounts not exceeding 0·3 grain per pound;

(iii) in dried fruit in amounts not exceeding 7 grains per pound;

(iv) in preserved (but not dried) whole fruit or fruit pulp in amounts not exceeding 5 grains per pound;

(v) in beer and cider whether in bottle or in cask in amounts not exceeding 5 grains per gallon;

(vi) in alcoholic wines, non-alcoholic wines and cordials, and fruit juices, sweetened and unsweetened, in amounts not exceeding 3 grains per pint;

(B) Benzoic acid only should be permitted :

(i) in coffee extract in amounts not exceeding 3 grains per pound ;

(ii) in non-alcoholic wines and cordials, and sweetened and unsweetened fruit juices (as an alternative to sulphur dioxide) in amounts not exceeding 5 grains per pint ;

(iii) in sweetened mineral waters and in brewed ginger beer in amounts not exceeding 1 grain per pint.

The method of estimating the foregoing preservatives should be prescribed by the Minister of Health.

2. The sale of any preparation as a food preservative or for use in such circumstances that it may be introduced into food should be declared illegal unless such preparation :

(*a*) bears a description clearly indicating its composition and strength ;

(*b*) is free from impurities and in particular contains not more than $\frac{1}{100}$th part of 1 grain of arsenic per pound or more than $\frac{1}{7}$th part of 1 grain of lead per pound.

3. The use of preservatives so far as they are permitted, should be upon the condition that the nature and quantity of the preservative present in the article of food should be declared in a manner prescribed by the Minister of Health. In cases in which the declaration of the preservative might be difficult to enforce or might result in undue harm to the industry without compensating advantage to the consumer, exception to this requirement might be made, but the exception should in no circumstances apply to sausages.

4. The employment of a copper salt to colour or preserve the colour of peas and other vegetables should be prohibited.

5. A Schedule should be issued by the Minister of Health after such inquiry as is necessary of colouring matters, the use of which may be considered non-injurious to health, such Schedule to be subject to amendment or extension from time to time as occasion may require. Within a suitable period after the publication of this list the use of any other colouring matter should be prohibited unless and until it shall have been approved by the Minister.

6. Before the prohibition of preservatives or of colouring matters in food (including the use of copper salts for the so-called greening of vegetables) is enforced, a period of grace should be allowed sufficient to enable manufacturers and importers to adjust their methods and processes and to allow stocks to be cleared.

7. Improved methods in the storage and transport of food by rail, road and water, especially as regards the use of refrigeration and cool air storage, are urgently required.

8. It should be provided by law that any regulations or Statute prohibiting or limiting the use of preservatives and colouring matters should bind the Courts in proceedings taken under the Sale of Goods and Drugs Acts in respect of their use.

9. An amendment of the law is required to render more expeditious the prosecution of a person actually responsible for offences under these Acts, where a warranty defence is pleaded.

10. Further powers of control by registration, licensing, or inspection should be given to local authorities in relation to all places concerned in the production, sale, storage, and distribution of food.

Public Health (Foreign Meat) Regulations.—By a notice inserted in the London Gazette on 30th May, the Ministry of Health notified the admissibility into this country of pork and other edible portions of the pig which have been subjected to inspection in the Latvian Republic.

CIRCULAR 547.

PORT AND OTHER SANITARY AUTHORITIES (ENGLAND AND WALES).

MINISTRY OF HEALTH,
29th December, 1924.

PUBLIC HEALTH (MEAT) REGULATIONS, 1924.

SIR,—I am directed by the Minister of Health to forward for the information of the authority a copy of the Public Health (Meat) Regulations, 1924, which are based on the recommendations of the Departmental Committee on Meat Inspection to which reference was made in Circular 282 and are designed to secure more adequate inspection of animals slaughtered in this country and improvements in the handling, transport, and distribution of meat.

SLAUGHTERING.

Part II. of the Regulations contains provisions for the regulation of slaughter-houses and slaughtering, and in particular for requiring notices of slaughtering, and of evidence of disease to be given to the appropriate officer of the local authority.

Questions relating to the licensing and registration of slaughter-houses and the maintenance of cleanliness therein, are governed by existing statutory provisions and bye-laws, and such matters have accordingly not been dealt with in these regulations.

The Minister wishes, however, to take this opportunity of drawing attention to the recommendations contained in the prefatory memorandum to the octavo edition of the model bye-laws (series VI.) as to the conditions which should be required in connection with the licensing of slaughter-houses. He has also been asked by the Minister of Agriculture and Fisheries to draw attention to the recommendation contained in paragraph 159 of the Report of the Departmental Committee on Foot and Mouth Disease of 1922 (Cmd. 1784), which is in the following terms :—

> "The use of private slaughter-houses—especially those attached to farms or dairies—has been responsible for the spread of disease in many districts. In our view it is very undesirable that in an infected district animals should be permitted to be slaughtered in slaughter-house premises which are occupied in conjunction with adjacent land on which stock is kept. Further, the use of such slaughter-houses facilitates concealment of disease and involves great risk of its spread, but while it may not be practicable entirely to prohibit the use of private slaughter-houses, we strongly urge that sanitary authorities should, in the public interest, refrain from licensing premises which are not so constructed as to permit of their effective disinfection."

It may be recalled that it was provided in the published draft of the regulations that this Part should not apply in those rural areas in which urban powers as to slaughter-houses are not in force. Representations were, however, received that the value of the regulations would be seriously impaired if they did not apply uniformly in all parts of the country. The Minister agrees with this view, but he thinks that the regulations could not be satisfactorily administered in areas where the statutory powers for the licensing and registration of slaughter-houses and the making of bye-laws for keeping them in a cleanly state are not available. The Minister has therefore decided to remove the limitation included in the draft and, under the power conferred on him by Sect. 25 (5) of the Local Government Act, 1894, to direct that the provisions of the Public Health Acts relating to the regulation of slaughter-houses shall be in force throughout all rural districts. This is effected by means of the Rural District Councils (Slaughter-houses) Order, 1924, copies of which are being sent separately to rural district councils.

Attention may also be drawn to the provisions of Article 11 as to notices. It is clearly desirable that every notice of intended slaughtering should be received without delay by the officer who will be responsible for making the inspection, and in veiw of the variety of arrangements likely to be made by different authorities it has been left to each authority to determine to which of their officers the notice should be sent. In order that every person concerned may know to whom notices have to be sent, provision is made for the decision of the local authority to be communicated to the occupier of every slaughter-house and to be advertised in the local Press.

It is realised that under existing circumstances it may not be practicable to arrange for the inspection of all animals slaughtered, particularly in districts where there are large numbers of widely scattered private slaughter-houses in use. It is, however, important that every effort should be made to inspect the carcases of animals slaughtered at irregular times, and that frequent visits should be paid to slaughter-houses at the regular hours of slaughter.

Meat Marking.

Under Part III. of the regulations the Minister is empowered to authorise a local authority to adopt a distinctive mark for placing on carcases which have been inspected at the time of slaughter and found to be free from disease and fit for human consumption, and to approve the mark so adopted. Before giving authority the Minister will require to be satisfied that the local authority have an adequate and competent staff of inspectors, and that the criteria laid down in Memorandum 62/Foods are being adopted.

It has not been thought expedient that any actual form of mark should be specified in the regulations, but it is clearly desirable that the marks in use should conform to a common type. It is considered that the marks should be impressed in ink or branded on the carcase itself, and that every mark should comprise (1) the word "Inspected," (2) the name of the borough or district, and (3) in areas where more than one inspector is employed, a cypher (such as initials) to identify the individual inspector, these particulars being shown in block lettering within a surrounding line.

Under Article 18 power is given to the local authority, if they think fit, to make a charge for the marking. It is contemplated that charges made under this Article should not in any case be more than are required to cover the additional expense incurred in the performance of this service. In ordinary cases a scale of charges, varying according to the number of carcases marked on the same occasion (with or without differentiation between various classes of animals), will probably be appropriate, but in a district where there are one or more large private slaughter-houses (*e.g.* in connection with a Port, or with a bacon factory) at which an Inspector may be engaged for a substantial portion of his time it may be desirable to fix an alternative rate of charge based on the time occupied. The maximum charge is fixed at a shilling a carcase, but it is expected that where any considerable number of carcases are marked it will not be found necessary to charge more than a fraction of this amount, and in public slaughter-houses where in the ordinary course all the carcases should be inspected at the time of slaughter it should generally not be necessary to make any specific charge for the service.

The question of the responsibility in the event of evidence of disease being found in marked meat was discussed by the Meat Inspection Committee in paragraph 21 of their report, and their recommendation on this point was in the following terms :—

> "The marking of carcases should remove the subsequent onus of responsibility for inherent disease from the butcher to the inspector, and the discovery of disease in a marked carcase should not render the butcher liable to proceedings on that account. His responsibility should be limited to ensuring that the carcase is maintained in condition fit for human consumption."

As the law now stands, however, meat which has been marked in accordance with this Part of the Regulations will still be subject to the provisions of Sects. 116 to 119 of the Public Health Act, 1875, or Sect. 47 of the Public Health (London) Act, 1891, but as the mark is a certificate issued by a competent authority that the meat has been found to be free from disease, it should not ordinarily be necessary for any further inspection to be made except for the purpose of ascertaining whether the meat is in sound condition. If in any case evidence of disease is found, the fact that the meat had previously been examined and passed by a competent authority should normally make it unnecessary to contemplate the institution of legal proceedings against the person offering it for sale. Particulars of any such case should, however, be reported to the local authority whose mark was placed on the meat and to this Department.

CLEANLINESS.

Parts IV., V., and VI. of the regulations contain provisions for the protection of meat against contamination by dirt, etc. These provisions have been framed with a view to preventing objectionable practices in the handling, storage, and transport of meat, so far as this can be effected by administrative action on the part of public authorities, and it is hoped that the proper enforcement of the present

code will go a long way towards securing an improvement in the general conditions under which meat is treated before it reaches the public. There are, however, some practices which do not lend themselves to control by regulation and in regard to which improvement can only be effected by the force of public opinion and the refusal of the public to buy their meat where such conditions obtain. An instance of this is the common practice of handling meat before purchase. It is felt that a specific prohibition of such a practice, where the customer is the party mainly at fault, could not be effectively enforced, but that the co-operation of the trade might with advantage be invited in securing its discontinuance. It is therefore suggested that meat vendors should be asked to exhibit notices urging customers not to handle meat before purchase.

The provisions as to transport of meat apply to ships, barges, and railway vans, as well as road vehicles. Provision is made in Article 3 whereby Port Sanitary Authorities may act in the enforcement of Part VI. (Transport and Handling). This power is in addition to, and not in substitution for, the power of enforcement of the town council or district council.

ACTION TO BE TAKEN.

To admit of the necessary arrangements being made by local authorities and the trade, it is provided that the regulations shall not come into operation until the 1st April, 1925. Local authorities will no doubt think it advisable before this date to make the general provisions of the regulations known to all persons concerned, and also to inspect all places to which they apply in order to call attention to any necessary alterations in existing arrangements.

Applications may also be made for the authorisation of meat marking in anticipation of the date of operation of the regulations.

I am, etc.

S. R. AND O., 1924, No. 1432.

THE PUBLIC HEALTH (MEAT) REGULATIONS, 1924, DATED DECEMBER 20, 1924, MADE BY THE MINISTER OF HEALTH UNDER THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907.

67,779.

The Minister of Health, in pursuance of his powers under the Public Health (Regulations as to Food) Act, 1907, and of all other powers enabling him in that behalf hereby makes the following regulations :—

PART I.—GENERAL.

1. These regulations may be cited as the Public Health (Meat) Regulations, 1924, and shall come into operation on the 1st day of April, 1925.

2.—(1) In these regulations, unless the context otherwise requires—

"The Minister" means the Minister of Health ;

"Local authority" means the Common Council of the

City of London, the Council of a Metropolitan Borough, the Council of a Municipal Borough or other Urban District, the Council of a Rural District or the Council of the Isles of Scilly ;

" Medical Officer of Health " includes any person temporarily acting in that capacity ;

" Inspector " means the Medical Officer of Health or any other officer of a local authority, having under the Acts relating to Public Health or any local Act power to inspect and examine meat intended for the food of man ;

" Meat " means the flesh of cattle, swine, sheep, or goats, including bacon and ham and edible offal and fat, which is sold or intended for sale for human consumption, and " animal " means any animal from which meat is derived ;

" Slaughter-house " means such part of a slaughter-house, as defined in Sect. 4 of the Public Health Act, 1875, as is used for the slaughtering of animals or the dressing or hanging of carcases for human consumption.

" Stall " includes any stall barrow or vehicle from which meat is offered for sale in a street or other open space or in any market place ;

" Room " includes a shop cellar passage or other space forming the whole or part of a building other than a slaughter-house as above defined ;

" Vehicle " includes a railway or other van or waggon and a ship or barge but does not include any separate compartment thereof in which meat is not being conveyed.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The local authority shall enforce and execute the provisions of these regulations in their district :

Provided that a Port Sanitary Authority shall also be an authority for enforcing and executing the provisions of Part VI. within their district.

4. The Medical Officer of Health, the Sanitary Inspector and any other officer of a local authority or Port Sanitary Authority duly authorised by the authority in writing shall for the purpose of ascertaining whether these regulations are being observed have power at all reasonable times to enter and inspect any slaughter-house, room or other place and any stall or vehicle to which these regulations apply.

5. A person shall, if so required, give to any officer of a local authority acting in the execution of these regulations, all reasonable assistance in his power, and shall, in relation to anything within his knowledge, furnish any such officer with all information he may reasonably require for the purposes of these Regulations.

6. No person who is for the time being suffering from an infectious disease to which the Infectious Disease (Notification) Act, 1889, applies shall take part in the slaughtering of animals intended for human consumption or the handling of meat.

PART II.—SLAUGHTER-HOUSES AND SLAUGHTERING.

7.—(1) This part of these Regulations shall not apply so as to interfere with the operation or effect of the Diseases of Animals

Acts, 1894 to 1922, or of any Order, licence or act of the Minister of Agriculture and Fisheries, made, granted or done thereunder.

(2) Articles 8, 9, 10 and 11 of these regulations shall not apply where the slaughter takes place in a slaughter-house under the management of a local authority.

8. A person shall not slaughter an animal for sale for human consumption unless he has not less than three hours before the time of slaughtering delivered or caused to be delivered to the local authority notice of the day and time and of the place on and at which the slaughtering will take place :

Provided that—

(1) Where it is the regular practice in any slaughter-house to slaughter animals at fixed times on fixed days and written notice of this practice has been given to the local authority special notice under this Article shall not be required to be given in respect of any animal slaughtered in accordance with such practice ;

(2) Where by reason of accidental injury, illness, or exposure to infection, it is necessary that an animal should be slaughtered without delay, the provisions of this Article shall be deemed to be satisfied if notice of the slaughter is given to the local authority as soon as reasonably possible, whether before or after the slaughtering takes place.

9. Where on the slaughter of an animal for sale for human consumption it appears that any part of the carcase or internal organs is or may be diseased or unsound the person by or on whose behalf the animal was slaughtered shall forthwith give notice of the fact to the local authority.

10. Except as hereinafter provided, the person by or on whose behalf an animal is slaughtered for sale for human consumption, shall not cause or permit the carcase of the animal, including the mesentery and internal organs other than the stomach, intestines and bladder, to be removed from the place of slaughter until such carcase with its organs has been inspected, or its removal has been authorised, by an inspector of the local authority :

Provided that—

(1) This Article shall not apply in the case of a sheep or in the case of any animal in respect of whose slaughter special notice is not required to be given by reason of proviso (1) to Article 8, unless some part of the carcase or organs appears to be diseased or unsound ;

(2) The removal may in any case take place at the expiration of three hours from the time of slaughter or six hours from the delivery of any notice relating thereto under Article 8 or 9 whichever time may be later, save that if such time falls between 7 p.m. on one day and 7 a.m. on the next day, the removal shall not take place before 7 a.m. ;

(3) Where the animal was slaughtered by reason of accidental injury and the place of slaughter is unsuitable for the retention of the carcase, the carcase and organs may be removed to some convenient place, but the notice required to be given under Article 8 shall be given to

the local authority in whose district that place is situated and Article 8 of this Article shall have effect as if that place were substituted for the place of slaughter.

11.—(1) The notices to be given to the local authority under Articles 8 and 9 of these regulations shall be given to such officer and delivered at such address as the local authority may direct and in the absence of any such direction shall be given to the Medical Officer of Health and delivered at his office. The effect of any direction given under this paragraph shall be communicated to the occupier of every slaughter-house in the district and published in one or more local newspapers circulated within the district.

(2) Any such notice, other than a notice of regular slaughtering, may be given orally; and any such notice may be served by letter addressed to the proper officer and delivered at, or prepaid and posted to, the proper address, and in the case of a notice sent by post shall for the purposes of these regulations be deemed to have been delivered at the time at which it would have been delivered in the ordinary course of the postal service.

12.—(1) No gut-scraping, tripe-cleaning, manufacture or preparation of articles of food for man or for animals, household washing or work of any nature, other than is involved in the slaughter and the dressing of carcases, shall be carried on in any slaughter-house.

(2) No articles shall be stored in any slaughter-house except such implements, appliances, receptacles and other articles as are required for the slaughter of animals and processes directly connected therewith, including the dressing, hanging and storage of carcases, the cleansing of the slaughter-house and the removal of refuse.

13. No person shall blow or inflate with his breath, or in any other manner likely to cause infection or contamination, the carcase or any part of the carcase of any animal slaughtered for human consumption.

14. No person shall use a slaughter-house for the slaughter of any animal which previous to slaughter is not intended for human consumption.

PART III.—MEAT MARKING.

15.—(1) Where a local authority show to the satisfaction of the Minister that they have made suitable arrangements (including the appointment or employment of competent inspectors) for the inspection of animals at the time of slaughter, the Minister may, on the application of the authority, and subject to such conditions, if any, as he may impose, authorise them to use for the purpose and in the manner specified in these regulations a distinctive mark of a design approved by him and so devised as to indicate the identity of the local authority and of the inspector using the mark.

(2) An inspector of a local authority whose mark has been approved by the Minister shall not affix or impress the same to or on any part of the carcase of an animal slaughtered for the food of man unless he has inspected the whole carcase with the organs in position and such part has appeared to him to be free from disease, sound, wholesome and fit for the food of man.

(3) The local authority and their inspectors shall comply with any directions given by the Minister as to the use of such mark,

and they shall not cause the mark to be affixed to or impressed on any carcase except at the request or with the consent of the person having possession of the carcase at the time of inspection.

(4) The Minister may at any time revoke his authorisation of the use of a mark or his approval of a mark adopted as aforesaid.

16. No local authority shall use or permit to be used a mark indicating that the carcase or any part of the carcase of an animal for human consumption has been inspected unless they have been authorised and such mark has been approved by the Minister and such authorisation and approval have not been revoked.

17. No person other than an inspector of a local authority authorised as aforesaid shall make use of a mark adopted and approved as aforesaid, and no person shall make use of any mark so resembling a mark adopted and approved as aforesaid as to be calculated to deceive.

18.—(1) The local authority may determine the charges (if any) to be made for the marking of carcases either according to the number of carcases marked or on such other basis as they may think fit, but the charge so determined shall not in any case exceed a sum calculated at the rate of one shilling for each carcase or part of a carcase marked.

(2) Any such charge shall be recoverable summarily as a civil debt from the person requesting or consenting to the marking.

PART IV.—STALLS.

19. A person selling meat or exposing or offering meat for sale from any stall—

(*a*) shall keep his name and address legibly painted or inscribed on such stall in some conspicuous position;

(*b*) shall cause such stall (if not placed in an enclosed and covered market place) to be suitably covered over and to be screened at the sides and back thereof in such a manner as to prevent mud, filth or other contaminating substance being splashed or blown from the ground upon any meat on the stall;

(*c*) shall cause every counter, slab, vessel or other article on or in which meat is placed for sale and all knives and other implements used in connection with the meat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition;

(*d*) shall take all such steps as may be reasonably necessary to guard against the contamination of the meat by flies;

(*e*) shall not place or cause to be placed any meat on, or within eighteen inches of the ground or floor, unless the meat is placed in a closed cupboard or other adequately protected space not less than nine inches from the ground or floor;

(*f*) shall cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from any meat intended for sale.

PART V.—SHOPS, STORES, ETC.

20.—(1) The occupier of any room in which any meat is sold or exposed for sale or deposited for the purpose of sale or of pre-

paration for sale or with a view to future sale, and any person who knowingly lets any room or suffers any room to be occupied for such purpose shall cause the following provisions to be complied with :—

(*a*) No urinal, water-closet, earth-closet, privy, ashpit or other like sanitary convenience shall be within such room or shall communicate directly therewith, or shall be otherwise so placed that offensive odours therefrom can penetrate to such room ;

(*b*) No cistern for supplying water to such room shall be in direct communication with or directly discharge into any such sanitary convenience ;

(*c*) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room unless it is efficiently trapped ;

(*d*) No such room shall be used as a sleeping place, and, so far as may be reasonably necessary to prevent risk of the infection or contamination of any such meat as aforesaid, no sleeping place shall communicate directly with such room.

(*e*) Except in the case of a room used as a cold store, adequate means of ventilation shall be provided.

(2) The occupier of any such room shall not cause or suffer any refuse or filth whether solid or liquid to be deposited or to accumulate therein except so far as may be reasonably necessary for the proper carrying on of the trade or business.

(3) Such occupier shall cause the walls and ceiling of such room to be whitewashed, cleansed or purified as often as may be necessary to keep them in a proper state.

(4) Such occupier and every other person engaged in such room shall observe due cleanliness in regard to such room and all articles, apparatus and utensils therein.

(5) The occupier of any such room—

(*a*) shall take all such steps as may be reasonably necessary to guard against the contamination of the meat therein by flies and shall cause the meat to be so placed as to prevent mud, filth, or other contaminating substance being splashed or blown thereon ;

(*b*) shall not permit any gut-scraping, tripe-cleaning or household washing to be carried on therein ;

(*c*) shall cause every counter, slab, vessel or other article on or in which meat is placed for sale and all knives and other implements used in connection with the meat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition ;

(*d*) shall cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from any meat intended for sale.

PART VI.—TRANSPORT AND HANDLING.

21.—(1) Every person who conveys or causes to be conveyed any meat in a vehicle—

(*a*) shall cause to be kept clean the inside and covering of the vehicle, the receptacles in which the meat is placed,

and such parts of any slings or other implements or apparatus used for loading or unloading as come into contact with the meat or its covering; and

(*b*) if the vehicle is open at the top, back, or sides or if any other commodity is being conveyed therein, shall cause the meat to be adequately protected by means of a clean cloth or other suitable material;

(*c*) shall not permit any live animal to be conveyed in the vehicle at the same time as meat.

(2) A person engaged in the handling or transport of meat,—

(*a*) shall not permit any part of the meat to come into contact with the ground; and

(*b*) shall take such other precautions as are reasonably necessary to prevent the exposure of the meat to contamination.

(3) Every person who employs a person to carry meat in or about a market or other place in which meat is sold by wholesale or in or about any place wholly or mainly used for the storage of meat before it is distributed to retailers, shall cause such person while so occupied to wear, and every person while so occupied shall wear, a clean and washable head covering and overall.

(4) This Article shall not apply to any meat which is packed in hampers or other strongly constructed and impervious cases or is adequately wrapped in jute or some other stout fabric.

* * * * * *

III.—CASES.

Sale by Retail—Printed Matter on Wrapper—"Fancy or other Descriptive Name"—"Churned with Fresh Milk."]—By Sect. 6 of the Sale of Food and Drugs Act, 1899, no other printed matter shall appear on the outside wrapper in which margarine is sold than the word "Margarine." Sect. 8 of the Butter and Margarine Act, 1907, makes it an offence for any person dealing in margarine to describe it in any wrapper, etc., by any name other than the word "Margarine" alone or the word "Margarine" in combination with a fancy or other descriptive name approved by the Board of Agriculture and Fisheries. Margarine was sold wrapped in two wrappers. The outside wrapper had the word "Margarine" printed thereon, and the inside wrapper had the words "Kernut margarine churned with fresh milk" printed thereon. The word "Kernut" had been approved by the Board of Agriculture and Fisheries for use in combination with the word "Margarine." The magistrate convicted the vendor of an offence under Sect. 8 of the Butter and Margarine Act, 1907, on the ground that the words "churned with fresh milk" were associated with the words "Kernut margarine," so as to constitute part of the fancy or descriptive name of the article sold:

HELD—(quashing the conviction): that the words "churned with fresh milk" were merely descriptive of the process of manufacture of the article sold and did not form part of the fancy or descriptive name under which it was sold.

Maypole Dairy Co. v. *Patterson*, [1923] S. C. (J.) 85, distd.

HAWES *v.* STEPHENS, [1924] 2 K. B. 179; 93 L. J. K. B. 891; 131 L. T. 140; 88 J. P. 97; 40 T. L. R. 682; 68 Sol. Jo. 793; L. G. R. 422—Div. Ct.

Prejudice of Purchaser—Notice to Purchaser — Margarine Containing Small Percentage of Butter Labelled

"Butter Mixture" — Demand by Purchaser for "1 lb. of that Butter."]—Margarine containing a small percentage of butter and ticketed "Butter Mixture, 1*s.* 2*d.* per lb." was exposed for sale in the window of a grocer's shop. A customer asked for "1 lb. of that butter in the window" and was supplied with 1 lb. of the butter mixture:

HELD—that as the descriptive words on the ticket would not make it clear to a purchaser of ordinary intelligence that the commodity was not butter, the article supplied was not of the nature, substance and quality of the article demanded; and that the sale was to the prejudice of the purchaser, and in contravention of Sect. 6 of the Sale of Food and Drugs Act, 1875.

ROBERTSON *v.* M'KAY, [1924] S. C. (J.) 31; 61 Sc. L. R. 129; [1924] S. L. T. 92—Ct. of Justy.

Emergency Legislation—Food Controller — Requisition of Imported Bacon—Compensation.]—In awarding compensation for food requisitioned by the Food Controller under reg. 2 F. of the Defence of the Realm Regulations the arbitrator cannot award an amount calculated at higher prices than those at which the goods could have been sold under a Maximum Prices Order in force at the date of the requisition, and (Scrutton, L.J., diss.) he cannot award interest from any date anterior to the date when he makes his final award.

SWIFT & CO. *v.* BOARD OF TRADE (1924), 93 L. J. K. B. 529; 131 L. T. 359; 40 T. L. R. 424—C. A.

FORESTRY.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 386.

Order in Council dated 21st March, 1924.

* * * * * *

2. On the first day of April, 1924, all the estate, interest, rights, powers and liabilities of the Crown and of the Commissioners of Woods in or in connection with any property under the management or control of the Commissioners of Woods which is situate in any parish mentioned in the first schedule to this Order or is described in the second schedule to this Order shall, subject to the exceptions and reservations set out in the said schedules respectively and to the following provisions of this Order, be transferred to and vest in the Forestry Commissioners.

3. Where any property transferred under this Order adjoins other property which is under the management of the Commissioners of Woods but is not included in the transfer (hereinafter referred to as property retained)

(*a*) any fences or ditches between the properties shall vest in the Forestry Commissioners, and it shall be the duty of those Commissioners if so required by the Commissioners of Woods to maintain repair and cleanse the same, and where no fence exists, to construct a fence to the satisfaction of the Commissioners of Woods;

(*b*) any ways, water-courses or other rights or easements on, over or under the property retained which appertain to or are reputed to appertain to or are held or enjoyed with the property transferred shall be deemed to be included in the transfer; and

(*c*) any ways, water-courses or other rights or easements on, over or under the property transferred which appertain to or are reputed to appertain to or are held or enjoyed with property retained shall be deemed not to be included in the transfer.

4.—(1) Subject to the provisions of the Forestry (Transfer of Woods) Act, 1923, and this Order, all property transferred to the Forestry Commissioners under this Order shall be held by them in like manner and they may exercise in relation thereto all the like powers as if the estate interest, rights, and powers therein or in connection therewith which are transferred to them under this Order had been acquired by them under the Forestry Act, 1919, subject to the liabilities so transferred, and they may also exercise in relation thereto any powers which at the time of transfer are exercisable in relation thereto by His Majesty or the Commissioners of Woods: Provided that nothing in this Order shall be construed as authorising the Forestry Commissioners to sell, lease, exchange or enclose any land forming part of a royal forest, park or chase except under and in accordance with the terms of such last mentioned powers.

(2) Nothing in this Order shall affect any right of patronage or right of nomination to any benefice which is vested in the Crown or any right of nominating the Official Verderer of the New Forest.

(3) Notwithstanding anything in the foregoing provisions of this Order the exemption from stamp duty granted by section seventy-seven of the Crown Lands Act, 1829, or by any enactment extending that section shall not apply to any instrument relating to property transferred under this Order or to the management of such property.

5. The Office of Keeper of the Gawle-above-the-Wood within the Forest of Dean and also the Office of Keeper of the Gawle-under-the-Wood within the said Forest which by section thirteen of the Dean Forest (Mines) Act, 1838, were vested in the First Commissioner of Woods and are therein and hereinafter referred to as the Office of Gaveller shall on the 1st day of April, 1924, be transferred to and vest in the Forestry Commissioners together with all the powers, rights and authorities belonging or appertaining to the Office of Gaveller (including the power to appoint a deputy Gaveller) and all such powers, rights and authorities may after the transfer be exercised either by the Forestry Commissioners or by the deputy Gaveller appointed by them, and any instrument required by any Act to be made under the hand or under the hand and seal of the Gaveller may be made under the seal of the Forestry Commissioners.

6. The Commissioners of Woods and the Forestry Commissioners shall preserve in their respective offices the sets of duplicate plans which have been deposited with them respectively for the purposes of this Order.

SCHEDULES.

FIRST SCHEDULE.

Parish.	County.
New Forest Estate—	
Breamore	Hampshire.
Fordingbridge	,,
Ashley Walk	,,
Woodgreen	,,
Hale	,,
Bramshaw	,,
Bramshaw East	,,
Broomy	,,
Minstead	,,
Ellingham	,,

FIRST SCHEDULE—*continued.*

Parish.	County.
Copythorne	Hampshire
Lyndhurst	,,
Colbury	,,
Netley Marsh	,,
Burley	,,
Brockenhurst	,,
Rhinefield	,,
Denny Lodge	,,
Beaulieu	,,
Boldre	,,
Fawley	,,
Sway	,,
Milton	,,
Hordle	,,
Exbury	,,
Ibsley	,,
No Man's Land	,,
Ringwood	,,
Bere Woods Estate—	
Soberton	,,
Boarhunt	,,
Hambledon	,,
Southwick	,,
Catherington	,,
Parkhurst Woods Estate—	
Carisbrooke	Isle of Wight.
Alice Holt Woods Estate—	
Binstead	Hampshire.
Woolmer Woods Estate—	
Headley	,,
Bramshot	,,
Greatham	,,
Dean Forest Estate—	
East Dean Township	Gloucester.
West Dean Township	,,
Newland	,,
Highmeadow Woods Estate—	
English Bicknor	,,
Staunton	,,
Coleford	,,
Newland	,,
Whitchurch	Hereford.
Canarew	,,
Goodrich	,,
Dixton Newton	Monmouth.
Dymock Woods Estate—	
Oxenhall	Gloucester.
Dymock	,,
Hope Wood Estate—	
Longhope	,,
Hazelborough Woods Estate—	
Syresham	Northants.
Inverliever Woods Estate—	
Kilmartin	Argyll.
Kilchrenan and	,,
Dalavick	,,

EXCEPTIONS AND RESERVATIONS.

1. Nothing in this Order shall operate as a transfer of any interest, rights, powers or liabilities of the Crown or the Commissioners of Woods in or in connection with

(*a*) The manor or Lordship of St. Briavels, the Manors of Staunton and English Bicknor, the Manor and liberty of Newland or any other Manor belonging to the Crown within the Hundred of St. Briavels in the County of Gloucester; or

(*b*) The property known as the Royal Hotel in the Parish of English Bicknor in the County of Gloucester as the same is described and demised in a Lease dated the 25th April, 1919, and granted to Alethea Mary Caroline Southern; or

(*c*) Any lands forming part of or adjoining Carisbrooke Castle.

2. There shall be excepted or reserved to His Majesty and be under the management of the Commissioners of Woods all such fisheries or rights of fishing in the River Wye within the Parishes of Whitchurch, Goodrich and Ganarew in the County of Hereford; Dixton Newton in the County of Monmouth and English Bicknor in the County of Gloucester, as are at the date of the transfer vested in His Majesty and under such management, together with all such rights of access over any property transferred by this Order and of user as are incidental to or reasonably necessary for the enjoyment of such fisheries or rights of fishing.

SECOND SCHEDULE.

Salcey Woods Estate.

1. All those lands known as Salcey Woods situate in the parishes of Piddington, Quinton, Hartwell and Ashton in the County of Northampton and in the parish of Hanslope in the County of Buckingham and coloured green on a plan signed by the Commissioners of Woods and sealed by the Forestry Commissioners in relation to their joint representation for this Order and marked plan No. 1.

Delamere Woods Estate.

2. All those lands known as Delamere Woods situate in the parishes of Kingswood, Eddisbury, Oakmere, Delamere and Norley in the County of Chester and coloured green on a plan so signed and sealed and marked plan No. 2.

Bedgebury Woods Estate.

3. All those lands known as Bedgebury Woods situate in the parishes of Goudhurst, Cranbrook and Hawkhurst in the County of Kent and in the parish of Ticehurst in the County of Sussex and coloured green on a plan so signed and sealed and marked plan No. 3.

Chopwell Woods Estate.

4. All those lands known as Chopwell Woods situate in the parish of Chopwell in the County of Durham and coloured green on a plan so signed and sealed and marked plan No. 4.

Clearwell Woods Estate.

5. All those lands known as Clearwell Woods situate in the parishes of Newland and St. Briavels in the County of Gloucester and coloured green on a plan so signed and sealed and marked plan No. 5.

Tintern Woods Estate.

6. All those lands known as Tintern Woods situate in the parishes of Penalt, Trelleck, Llandogo, Tintern Parva, Chapel Hill, Trelleck Grange, Newchurch East and St. Arvans in the County of Monmouth and coloured green on a plan so signed and sealed and marked plan No. 6.

Hafod Fawr Estate.

7. All those lands known as Hafod Fawr situate in the parishes of Maentwrog and Festiniog in the County of Merioneth and coloured green on a plan so signed and sealed and marked plan No. 7.

EXCEPTIONS AND RESERVATIONS.

There shall be excepted or reserved to His Majesty and be under the management of the Commissioners of Woods:—

(i) All mines and minerals lying under the lands first described in this Schedule at a greater depth than two hundred feet;

(ii) All mines and minerals (including rocksalt and salt brine) lying under the lands secondly described in this Schedule;
(iii) All mines and minerals, oils and shales lying under the lands thirdly described in this Schedule;
(iv) All mines and minerals lying under the lands fourthly described in this Schedule;
(v) The right to take and use without payment from any pit now opened or hereafter to be opened in any of the lands secondly, thirdly and fourthly described in this Schedule all such gravel, sand, stone, marl, and clay as may be required for use on any property which is under the management of the Commissioners of Woods but is not included in the transfer effected by this Order;
(vi) All mines and minerals lying under the lands sixthly described in this Schedule;
(vii) All mines and minerals lying under the lands seventhly described in this Schedule;

together with power to work and get the said mines and minerals hereby excepted or reserved in as full and ample a manner as if this Order had not been made.

The Fourth Annual Report of the Forestry Commissioners (*i.e.* for the year ending 30th September, 1923) was published in May, 1924. Copies are on sale, price 1*s.* net.

The Commissioners state that as regards afforestation no important modifications had been made during the year, and that the planting programme was maintained at 10,000 acres of conifers per annum.

GAS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O. 4 OF 1924.

ORDER OF THE BOARD OF TRADE, DATED 1ST JANUARY, 1924, UNDER SECT. 7 OF THE GAS REGULATION ACT, 1920, PRESCRIBING THE RATE OF CONTRIBUTION TO THE GAS FUND FOR THE YEAR 1924.

* * * * * *

1. The rate of contribution to the Gas Fund for the year 1924 shall be two shillings for each million cubic feet of gas sold during the year 1923.

2. Such contribution shall, on or before the 1st April, 1924, be paid to the Board of Trade at Great George Street, London, S.W.1, by any Gas Undertakers with respect to whom an Order under the said Act shall have been made, by cheque made payable to the "Assistant Secretary for Finance, Board of Trade," and crossed "Gas Fund Account."

III.—CASES.

Statutory Company — Statutory Power — Express Power to Convert and Manufacture Residuals — Express Power to "Provide" "Materials"—Chemical Substance Necessary for Conversion of Residual Product—Implied Power to Manufacture instead of Buying Amount Required.]—A statutory gas company were empowered (*a*) to make and supply gas; (*b*) to convert, manufacture and sell residuals arising from gas making or from the materials used therein, and (*c*) to make and sell all articles so produced. They were also empowered (*d*) to make and maintain gasworks, machinery, and apparatus; (*e*) to

manufacture refuse and products obtained from gas-making, and (*f*) to "provide" such apparatus and "materials" and do all such things as they deemed requisite for those purposes. In order to convert their residual naphthalene into beta-naphthol (the proper method of using it) they required an outside chemical re-agent—namely, caustic soda—which is neither a residual nor a product thereof:

HELD—that, as no particular method of "providing" the "materials" required for converting their residuals was prescribed or prohibited, the defendants were impliedly authorised to manufacture the necessary amount of caustic soda for themselves, and were not bound to purchase it from the chemical manufacturers.

Ashbury Railway Carriage and Iron Co. v. *Riche* (1875), L. R. 7 H. L. 653; *Baroness Wenlock* v. *River Dee Co.* (1885), 10 App. Cas. 354, 362; *A.-G.* v. *Great Eastern Ry. Co.* (1880), 5 App. Cas. 473, 478, 481; *Small* v. *Smith* (1884), 10 App. Cas. 119, 129; and *Lyle* v. *Eastern Bengal Ry. Co.* (1866), 36 Beav. 10, 16, apld. *London County Council* v. *A.-G.*, [1892] A. C. 165, and *A.-G.* v. *Mersey Ry. Co.*, [1907] A. C. 415, distd. Decision of Astbury, J., [1924] 1 Ch. 422, affd.

DEUCHAR *v.* GAS LIGHT AND COKE CO., [1924] 2 Ch. 426; 94 L. J. Ch. 19; 88 J. P. 159; 40 T. L. R. 759; 68 Sol. Jo. 752; 22 L. G. R. 497; 59 L. Jo. 422; 157 L. T. Jo. 531—C. A.

HACKNEY CARRIAGES, OMNIBUSES, ETC.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 1149.

METROPOLITAN AND CITY POLICE DISTRICTS.

CABS AND STAGE CARRIAGES.

ORDER DATED 9TH OCTOBER, 1924, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE METROPOLITAN PUBLIC CARRIAGE ACT, 1869 (32 & 33 VICT. C. 115), AND THE LONDON CAB AND STAGE CARRIAGE ACT, 1907.

PART I.

Licensing of Cabs and Stage Carriages.

In pursuance of Sections 6 and 11 of the Metropolitan Public Carriage Act, 1869, I hereby prescribe as follows:—

1. I appoint the Commissioner of Police of the Metropolis hereinafter referred to as the Commissioner, to grant all licences in respect of cabs and stage carriages, and to exercise all the powers and to perform the duties imposed upon the Licensing Authority under the provisions of the London Traffic Act, 1924.

2. A person desirous of obtaining a licence for a cab or stage carriage shall make application at the office of the Commissioner, or at such other place as the said Commissioner may appoint.

Such application, if for a cab licence, may be in the form contained in Schedule A hereto, and if for a stage carriage, in the form contained in Schedule B or Schedule C hereto, as the case may be,

or in such other form respectively as the Commissioner may from time to time direct.

3. An application for a licence on behalf of any co-partnership or company, shall be made by, and the licence if granted shall be issued to, the senior partner, or the Secretary or Manager, or other responsible official of the company, as the case may be.

4. A licence shall not be granted to any person under the age of 21 years, and if granted to any such person shall be void.

The Commissioner may in his discretion refuse to grant a licence in any of the following cases :—

(1) If the applicant has been convicted of any indictable offence or of any offence of cruelty within the meaning of the Protection of Animals Act, 1911 ;

(2) (*a*) If the applicant, or when the application is made on behalf of a firm or company the applicant or any other person on behalf of that firm or company has previously obtained a licence for a cab or stage carriage and such licence has been revoked or suspended ;

(*b*) If the applicant, or when the application is made on behalf of a firm or company the firm or company on whose behalf the application is made or the applicant or any other person while holding a licence on behalf of the firm or company—

(i) has or have failed to observe any of the conditions of any licence granted to the applicant or such other person as the case may be, or

(ii) has or have been convicted of any offence under Sects. 7 or 14 of the London Traffic Act, 1924 (14 & 15 Geo. 5, c. 34) or has or have had an Order under Sect. 8 of that Act enforced against him or them as the case may be in the manner provided for in that section.

(3) If the applicant fails to satisfy the Commissioner—

(*a*) that the cab or stage carriage conforms to the conditions of fitness from time to time laid down by the Commissioner ;

(*b*) that the applicant is of good character and business repute and that his financial position is such that he is fit a and proper person to hold a licence ;

(*c*) where the application is made on behalf of a firm or company, that the applicant is of good character and that the firm or company is of good business repute and that its financial position is such that a licence may properly be granted.

*5. The price for a licence for a cab or stage carriage is £2.

6. If the application is approved by the Commissioner the applicant shall :

(*a*) If the application is in connection with a mechanically propelled omnibus or trolley vehicle within the meaning of the London Traffic Act, 1924, as defined by Sect. 16, or if the application is in respect of a mechanically propelled cab, produce the current Revenue Licence showing the full amount of tax has been paid ;

* NOTE.—Under Sect. 14 of the Roads Act, 1920, the sum mentioned in Article 5 is included in the tax payable in respect of the Revenue Licence for any of the vehicles mentioned in paragraph (*a*) of Article 6.

(*b*) if the application is in respect of any other type of vehicle, pay to the Receiver for the Metropolitan Police District, or to some person whom such Receiver shall appoint, the said sum of £2 and upon payment being made the said Receiver shall issue, or cause to be issued, to the applicant a receipt for the amount paid.

7. If, however, after the Commissioner has approved of the application, anything comes to his knowledge, or circumstances arise, which satisfy him that it is undesirable that such licence should be granted, he may withdraw or suspend such approval, and if such approval is finally withdrawn, a licence shall not be issued. Any sum of money paid to the Receiver or his representative in respect of such application for a licence shall be forthwith refunded to the applicant.

8. The applicant shall bring the carriage to which he desires the licence shall attach, to a passing station or such other place as the Commissioner shall direct for examination, and at the same time shall hand the approved application form and receipt, if any, to the Inspector of Public Carriages.

9. If the carriage is found fit for public use, the inspector shall cause a plate bearing the number which is to distinguish such carriage, and hereinafter called the number plate, to be affixed thereto in his presence, together with such mark or marks as the Commissioner may from time to time direct.

The number plate shall be fixed on the back of each carriage in the most convenient and conspicuous place to be determined by the Commissioner.

In the case of a cab, the inspector shall, at the same time, cause to be affixed to the carriage a plate, hereinafter called the fare plate setting forth the particulars of fares which may be demanded by the driver from the hirer, also a number plate to be visible from the inside of every such carriage. Such plates shall be affixed in convenient and conspicuous places to be approved by the Commissioner.

The inspector shall then sign the certificate in the form contained in Schedule D.

10. A licence subject to the conditions hereinafter specified shall thereupon be issued to the applicant from the office of the Commissioner.

11. A licence for a cab shall be in the form contained in Schedule E hereto; and a licence for a stage carriage shall, subject to any modifications which the Commissioner may think necessary to make in any particular case, be in the form contained in Schedule F or Schedule G hereto as the Commissioner may direct.

12. All routes which are approved routes within the meaning of Sect. 6 of the London Traffic Act, 1924, shall be numbered and classified in such manner as may be directed by the Commissioner, and a list of all such approved routes shall be maintained at the office of the Commissioner. A copy of the list shall be issued to every applicant for a licence in the form of Schedule G not later than the time of the grant of the licence, and the holder of every such licence shall be notified of any change which may from time to time be made in the list. In any case where it is necessary to refer to any routes in connection with any licence granted in respect of a mechanically propelled stage carriage it shall for the purpose

of identification be sufficient to refer to the classification or numbers of the routes.

13. The person to whom a licence shall be issued, whether individually or on behalf of a co-partnership or company, shall be responsible for the observance of the conditions under which the licence is granted as if he were the person solely interested in the licence.

14. In addition to any condition imposed under the provisions of the London Traffic Act, 1924, a licence granted in respect of any cab or stage carriage under this Part of the Order, shall be subject to the following conditions :—

(*a*) The licensee shall not permit or suffer the carriage to be sub-let ; provided that this condition shall not prevent a licensed person, who has been registered with and specially approved by the Commissioner, from lending or letting a licensed vehicle to another person licensed in respect of a cab or stage carriage for a period not exceeding 21 days, if notice in writing of such lending or letting be sent to the Commissioner one clear day before the loan or letting, giving the name of the licensed person to whom the carriage is proposed to be lent or let.

The Commissioner may, in his discretion, refuse such special approval, and may also, in his discretion, withdraw the approval which authorised a person to lend or let as herein provided.

(*b*) The licensee shall, if during the currency of his licence he changes his address, within seven days from such change bring his licence to the office of the Commissioner, and the Commissioner shall thereupon endorse the licence with the new address. The address mentioned in or last endorsed upon the licence shall, for all purposes connected with the licence, be deemed to be the address of the licensee of the carriage to which the licence refers.

(*c*) The licensee :—

(1) Shall not knowingly permit his carriage to be used for an illegal purpose.

(2) Shall not deface his licence by erasure or otherwise.

(3) Shall at all times, when required, produce his licence and the licences of the drivers or conductors in his employ to the Commissioner, or to such persons as the Commissioner may appoint.

(4) Shall at all reasonable times allow to all persons appointed by the Commissioner to be Inspectors of Public Carriages free access to his premises and stables for the purpose of inspecting the public carriage to which the licence relates, the horses, if any, used for drawing the same and their harness.

(5) Shall within three days after a notice shall have been delivered to him personally or left at the address mentioned in or last endorsed upon his licence, deliver up his licence to the Inspector of Public Carriages at the police station of the district within which the place of his address so mentioned or endorsed is situate, and shall bring the carriage to the same police station in order that the plates may be unfixed and delivered up to the Inspector of Public Carriages.

(*d*) The licensee of any cab or stage carriage shall not conceal or remove, or permit or suffer any person, except such as are authorised by the Commissioner, to conceal or remove any plate affixed to such carriage in pursuance of this Order, nor shall he alter or obliterate, or permit or suffer any person, except as aforesaid, to alter or obliterate any number or mark placed thereupon in pursuance of this Order or by the authority of the Commissioner.

(*e*) The licensee shall keep the carriage and all its furniture and appointments, and the harness of the horse or horses, if any, drawing the same, in perfect order and repair, and shall not suffer any person, or object, or any printed, written or other matter to appear on the outside or inside of the carriage, or upon the harness or horses, or be carried or displayed by way of advertisement, except such, if any, as shall be approved by the Commissioner.

(*f*) The licensee of a cab shall not employ or permit or suffer any person to be employed as a driver of such carriage unless he be licensed in accordance with Schedule J of this Order, nor shall he employ or permit or suffer such person to drive carriages of a type other than those mentioned in or endorsed upon the said driver's licence.

(*g*) The licensee of a stage carriage shall not employ or permit or suffer any person to be employed as a driver of such carriage unless he be licensed in accordance with Schedule H of this Order, nor shall he employ or permit or suffer such person to drive carriages of a type other than those mentioned in or endorsed upon the said driver's licence.

15. Any licence defaced or on which there is an erasure shall be void.

16. A licence granted under this Part of the Order shall be liable to revocation or suspension by the Commissioner in any of the following events :—

(*a*) If the licence has been obtained by any misrepresentation.

(*b*) If the licensed person fails to comply with any of the conditions upon which the licence issued to him has been granted.

(*c*) In any of the events in which a licence for a cab or stage carriage might have been revoked or suspended at the time of the passing of the Metropolitan Public Carriage Act, 1869, or for which it may be revoked or suspended under the provisions of the London Traffic Act, 1924.

(*d*) If the licensee commits a breach of the said Metropolitan Public Carriage Act or of this Order.

(*e*) If, in the opinion of the Commissioner, the licence cannot continue to be held without risk to the public, or if the conduct of the licensee is or has been during the currency of the licence such as to render it inadvisable, in the opinion of the Commissioner, that the licensee should continue to hold the licence.

17. In the case of the death of any licensee during the currency of his licence, the licence shall be brought to the Office of the Commissioner, and the Commissioner may by endorsement thereon transfer the licence to the personal representatives of the deceased person, or to his widow or child, if such representative, or widow, or child is of full age and satisfies the Commissioner, as hereinbefore

required, of his or her fitness to hold such licence. In like manner and on like conditions, in the case of the marriage of a female during the currency of her licence, such licence may be transferred to her husband. In the case of a partnership or company, the licence may, in like manner, on like conditions, be transferred from the licensee to his successor.

18. In pursuance of Sect. 3 of the London Cab and Stage Carriage Act, 1907, I hereby order that all Acts and Orders relating to stage carriages in London shall apply to every omnibus, trolley vehicle and tramway car as defined by Sect. 16 of the London Traffic Act, 1924, which on every journey goes to or comes from some town or place beyond London.

Provided that nothing in this Order shall apply to a four-horse coach known as a stage coach, or to any other vehicle or class of vehicle which shall from time to time be specially exempted from its provisions by Order under my hand.

PART II.

Licensing of Drivers of Cabs and Drivers and Conductors and Assistant Conductors of Stage Carriages.

In pursuance of Sect. 8 of the Metropolitan Public Carriage Act, 1869, I hereby prescribe as follows :—

19. A licence to act as driver of a stage carriage or as driver of a cab, or upon the special recommendation of a proprietor a licence to act either as driver or conductor of a stage carriage, may be granted by the Commissioner provided that the applicant be not less than 21 years of age.

A licence to act as conductor of a stage carriage may be granted by the Commissioner provided the applicant be not less than 20 years of age.

20. Upon a written request being made by a proprietor to the Commissioner, a licence to act as an assistant to a conductor of a stage carriage may be granted provided the applicant be not less than 16 years of age.

Except where a contrary intention appears the provisions of this Order and of any Act or Order in force relating to a conductor of a stage carriage shall apply to an assistant to a conductor in the same way as they apply to a conductor.

21. The Commissioner may in his discretion refuse to grant any such licence—

(*a*) if the applicant fails to satisfy him that he is of good character and fit to act as such driver, conductor, or assistant conductor, as the case may be ;

(*b*) if the applicant having previously obtained a licence to act as a driver or conductor or assistant conductor has, unless prevented by illness or other unavoidable cause, failed to act as such driver or conductor or assistant conductor, as the case may be, during any considerable part of the period for which such licence was granted.

22. Such licences shall be respectively in the forms contained in the Schedules H, I, J, K and L to this Order and shall, if not revoked or suspended, be in force for one year from the date thereof ; and for every such licence there shall be paid to the Receiver for the

Metropolitan Police District, or to such person as he shall appoint, the sum of five shillings.

23. Every licence granted to a driver or conductor shall be subject to revocation or suspension for any period of time by any justice of the peace in any of the events in which a licence granted to a driver of a cab or a driver or conductor of a stage carriage in pursuance of any Act of Parliament might, at the passing of the Metropolitan Public Carriage Act, 1869, be revoked or suspended, and also by any justice of the peace in the event of any breach of this Order or of any of the provisions of the said Metropolitan Public Carriage Act, 1869, or of the London Cab and Stage Carriage Act, 1907.

24. Any licence granted under this Part of the Order shall be subject to revocation or suspension, for any period of time, by the Commissioner, if, in his opinion, the driver or conductor has been guilty of misconduct in the exercise of his calling or is unable to exercise it without risk to the public.

25. A copy of the licence shall be issued to every driver and conductor.

Part III.

Regulations as to Cabs and Stage Carriages.

In pursuance of Sect. 9 of the Metropolitan Public Carriage Act, 1869, and Sect. 1 of the London Cab and Stage Carriage Act, 1907, I hereby make the following regulations :—

26. The proprietor shall cause to be painted at the back of his cab, on the outside, the number of persons which the cab is licensed to carry.

If the proprietor suffers his cab to ply for hire without such number so painted, he shall be deemed to have committed a breach of this Order.

27. If a cab carry a greater number of persons than the number which it is licensed to carry, the driver, and also the proprietor, if he be recognizant of the fact, shall be deemed to have committed a breach of this Order.

For the purpose of this Regulation, one child or two children under 10 years of age shall count as one person.

28. The driver of a motor cab shall not permit or suffer any other person to be on the driving box or platform or otherwise than upon a seat properly constructed and approved for the purpose.

29. The proprietor shall supply a sufficient number of tickets in the following form, and no other, for the use of any person hiring the cab, and the driver shall, if so required, deliver one such ticket, and no other, to the hirer :—

CAB, No. ——

Proprietor's Name.....

Address.....

(The Particulars required to complete above are to be legibly written or printed.)

Magistrates are empowered to hear and determine complaints between hirers and drivers.

Applications respecting property left in Cab should be made personally or by letter to the Lost Property Office, New Scotland Yard, S.W.

30. The proprietor of a cab or stage carriage shall within three days after the expiration of the period for which the licence shall have been granted, deliver up his licence to the Inspector of Public Carriages at the police station of the district within which the place of his address, mentioned in or last endorsed upon the licence is situate, and shall bring the carriage to the same police station in order that the plates may be unfixed and delivered up to the Inspector of Public Carriages.

NOTE.—Nothing in this clause shall exempt the Proprietor from any penalty to which he might be liable for using, or permitting the use of, an unlicensed carriage.

31. Immediately after the termination of any hiring the driver of a cab, and immediately after the termination of any journey the conductor of a stage carriage, or if there be no conductor the driver shall carefully search the carriage for any property which may have been accidentally left therein, and shall within 24 hours deposit such property, if not sooner claimed by the owner, in the state in which he finds it, at any police station.

32. Any passenger who finds property accidentally left in a stage carriage shall immediately hand the same to the conductor, or if there be no conductor, to the driver, who shall within the period before stated, if it is not sooner claimed by the owner, deposit the property in the state in which it was found at any police station, and truly state the particulars of such finding.

33. The driver or conductor of a stage carriage or the driver of a cab shall not conceal or remove any plate affixed to such carriage in pursuance of this Order, or alter or obliterate any number or mark thereupon, or any mark assigned to or placed on such carriage by the authority of the Commissioner.

34. The driver of a cab or a stage carriage shall drive carriages of such type only as are specified in the licence or in the endorsements made thereon by direction of the Commissioner.

35. A person under 20 years of age shall not act or be employed as an assistant to a conductor unless the vehicle be in charge of a fully-licensed conductor.

36. A driver or conductor shall at all times during his employment and when appearing before a magistrate have in his possession a copy of the licence issued to him in pursuance of Part II. of this Order, and shall on demand by any officer of a court of summary jurisdiction or by the officer in charge for the time being of any police station, or by any police officer specially authorised by the Commissioner, produce the same and allow the writing and photograph thereon to be inspected. If he neglects or fails to produce the copy as aforesaid, he shall be deemed to have committed a breach of this Order.

37. In pursuance of Sect. 10 of the Metropolitan Public Carriage Act, 1869, I hereby annex a penalty not exceeding forty shillings, for the breach of any regulation in this Part of this Order.

PART IV.

Cab Fares, Hiring, etc.

38. Every motor cab must be fitted with a taximeter of a form approved by the Commissioner.

39. The hiring of a cab not fitted with a taximeter recording the fare by a combination of time and distance, shall be by distance or by time as the hirer may express at the commencement of the hiring ; but, unless expressed to be by time, shall be taken to be by distance.

The fare for the hiring of a cab not fitted with such taximeter shall be in accordance with the scale set forth in Schedule M to this Order.

40. The fare for the hiring of a cab fitted with a taximeter, recording the same by a combination of time and distance, shall be in accordance with the scale set forth in Schedules N and O to this Order.

41. Whether the hiring be according to the scale laid down in Schedules M, N or O, the driver shall be entitled to charge, in addition to what is due to him for distance or time, or by the combination of both, as the case may be, the following extra payments in the following cases respectively :—

(1) If any luggage is carried outside the cab, he shall be entitled to an extra payment for every package carried outside, whatever may be the number of persons carried, in accordance with the scale set out in Schedules M, N or O respectively.

(2) If the carriage is licensed for more than two persons, and at any time during the hiring more than two persons are carried together, he shall be entitled to an extra payment as set forth in Schedules M, N and O respectively for every person above two so carried : Provided that one child, or if there be more than one, two children under the age of 10 years shall count as one person.

Provided it shall not be compulsory for the driver of a cab to record upon the taximeter the amount payable in respect of extra charges for luggage or additional persons.

42. If a cab not fitted with a taximeter, or fitted with a taximeter not recording the fare by a combination of time and distance, is hired by distance, and in the course of the hiring is at the request of the hirer made to wait, the driver shall be entitled to charge (in addition to what is due to him for distance) an extra payment according to the scale laid down in Schedule M, hereto annexed.

The driver shall not be entitled to receive any extra payment for waiting if such waiting has not amounted in the whole to fifteen minutes.

The driver shall not be entitled to any extra payment for waiting any less period than fifteen minutes (whether such less period be completed in one or in several stoppages) which is over and above any number of completed periods of fifteen minutes.

43. A driver of a cab shall not be compelled to drive for more than six miles ; and, if hired by time, shall not be compelled to drive for more than one hour.

44.—(1) If any property found in a cab or stage carriage and brought to any police station by the driver, or by the driver or conductor thereof respectively, under the provisions of the London Hackney Carriage Act, 1853, 16 & 17 Vict. c. 33, sect. 11, or of this Order, be not within three months claimed and proved to the satisfaction of the Commissioner to belong to the claimant, the Commissioner may forthwith sell such property, and out of the proceeds shall award to such driver or conductor as follows :—

For property consisting of or comprising any gold or silver money, bank notes, jewellery, or watch, and being of less value than £10.	A sum equal to 3*s.* in the £1 on the value of the property.
For property of any other kind, and being of less value than £10.	A sum equal to 2*s.* 6*d.* in the £1 on the value of the property.
For property of the value of £10, or upwards.	Such a sum as the Commissioner shall deem reasonable.

Provided that the Commissioner may, if he thinks fit, at the expiration of that said period of three months, deliver the property to the driver or conductor instead of awarding to him a sum of money.

(2) If the property which shall have been so brought to a police station be claimed before the expiration of the said period of three months, and the claimant prove to the satisfaction of the Commissioner that he is entitled thereto, the same shall be delivered to him on payment by him of all expenses incurred, and of a remuneration to the driver or conductor. The amount of such remuneration shall be determined by the Commissioner with reference to the character and the value of the property in accordance with the foregoing sub-section.

PART V.

Taximeters, Distance Recorders, etc.

45. No taximeter shall be affixed to any cab unless the seal or mark approved by the Commissioner be affixed to such taximeter. If a taximeter, not having the said seal or mark intact, be found affixed to any cab, the licence of that carriage shall be liable to revocation or suspension.

46. Any proprietor, driver, or other person who shall break or in any way tamper with the seal or mark placed on the taximeter, or who shall, with intent to deceive, tamper with the taximeter, shall be deemed to have committed a breach of this Order.

47. The driver of every cab fitted with a taximeter recording the fare by a combination of time and distance shall, as soon as he is hired and no sooner, set the machine in motion, and upon the termination of the hiring shall forthwith stop the machine.

48. The driver of every cab fitted with a taximeter not recording the fare by a combination of time and distance, shall as soon as he is hired set the machine at zero.

49. In pursuance of Sect. 10 of the Metropolitan Public Carriage Act, 1869, I hereby annex a penalty, not exceeding forty shillings, for any breach of this Part of the Order.

PART VI.

General.

50.—(1) In this Order the expression " cab " includes " Hackney carriage."

(2) The Orders of the 1st May, 1917, 25th July, 1918, 3rd April,

1919, 20th February, 1920, and 18th November, 1921, made by the Secretary of State are hereby revoked, provided that every licence already granted in pursuance of the said Orders shall be as valid as if it had been granted in pursuance of and in accordance with the provisions of this Order.

(3) This Order shall come into force on the 1st day of November, 1924.

ARTHUR HENDERSON,
One of His Majesty's Principal Secretaries of State.

WHITEHALL,
9th October, 1924.

SCHEDULES.

* * * * * *

III.—CASES.

Motor Omnibus—Alleged Overcrowding.]—The Stage Carriages Act, 1832, Sect. 5, contained a definition of "stage carriage" which did not extend to any carriage impelled otherwise than by animal power. The Railway Passenger Duty Act, 1842, s. 13, provides that no stage carriage shall carry at one time more than a limited number of passengers. In 1869, Sect. 5 of the Act was repealed. The Locomotives on Highways Act, 1896, s. 1 (1), provides that certain vehicles propelled by mechanical power and under a certain weight (subsequently increased by Statutory Orders) are to be light locomotives; and by clause (*b*) of that sub-section, a light locomotive is to be deemed to be a carriage within the meaning of any Act, and if used as a carriage of any particular class it is to be deemed to be a carriage of that class, and the law relating to carriages of that class is to apply accordingly:

HELD (under these provisions of the Act of 1896): that a motor omnibus below the prescribed limit of weight plying by a fixed route between fixed points was a light locomotive, that it was to be deemed to be a carriage within any other Act, and that, inasmuch as it was used as a carriage of the particular class known as a stage carriage, the law relating to carriages of that class applied to it; and, consequently, that it should not carry a greater number of passengers than was allowed by Sect. 13 of the Act of 1842.

DENNIS *v.* MILES, [1924] 2 K. B. 399; 93 L. J. K. B. 1115; 131 L. T. 146; 88 J. P. 105; 40 T. L. R. 643; 68 Sol. Jo. 755; 22 L. G. R. 489—Div. Ct.

HARBOURS.

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of the Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.

HIGHWAYS AND BRIDGES.

See also "EXPLOSIVES"; "LOCOMOTIVES."

I.—STATUTES.

LONDON TRAFFIC ACT, 1924.
14 & 15 Geo. 5, c. 34.

[7th August 1924.]

1 (*a*).—(1) With a view to facilitating and improving the regulation of traffic in and near London, there shall, for the purpose of giving advice and assistance in manner provided by this Act to the Minister of Transport (hereinafter referred to as the Minister) in connection with the exercise and performance of his powers and duties in relation to traffic within the area described in the First Schedule to this Act (hereinafter referred to as the London Traffic Area) be constituted a committee, to be called the London and Home Counties Traffic Advisory Committee and hereinafter referred to as the Advisory Committee consisting of a chairman elected by the Committee and such ordinary and additional members as are hereinafter mentioned.

(2) Of the ordinary members—

One shall be appointed by a Secretary of State:

Two shall be appointed by the London County Council:

One shall be appointed by the Corporation of the City of London:

Two shall be appointed by the councils of the metropolitan boroughs:

One shall be appointed by the councils of the administrative counties mentioned in the First Schedule to this Act, other than the administrative county of London lying north of the Thames:

One shall be appointed by the councils of the administrative counties mentioned in the First Schedule to this Act, other than the administrative county of London lying south of the Thames:

One shall be appointed by the councils of the several county boroughs within the London Traffic Area:

One shall be a representative of the metropolitan police appointed by a Secretary of State:

One shall be a representative of the City police appointed by the Corporation of the City of London:

One shall be appointed by the Minister:

(*a*) By virtue of s. 17, and S. R. O., 1924, No. 982, made thereunder, s. 1 came into operation on September 1st, 1924, and the remaining sections on 1st October, 1924.

Where one or more members are to be appointed by a group of local authorities, the appointment shall be made by a joint committee consisting of one representative chosen by each of the local authorities in accordance with rules of procedure made by the Minister:

Every ordinary member appointed by a local authority or group of local authorities other than the representative of the City police shall be a member of the local authority or of one of the grouped authorities, as the case may be, and, if he cease to hold such qualification, shall cease to be a member of the Committee.

(3) Of the additional members—

Three shall be representatives of the interests of labour engaged in the transport industry within the London Traffic Area appointed by the Minister of Labour after consultation with such bodies representative of those interests as he may think fit:

Four shall be representatives of the interests of persons providing means of transport and users of mechanically propelled and horse-drawn road vehicles within the London Traffic Area appointed by the Minister after consultation with such bodies representative of those interests as he may think desirable.

(4) The ordinary members shall form part of the committee on all occasions, and the additional members shall form part of the committee when considering and reporting to and advising the Minister upon any matter referred to the committee under or by virtue of section ten of this Act, or any matter or question referred to the committee under this Act in connection with the matters specified in Part I. of the Second Schedule to this Act:

Provided that the Minister may, if he thinks fit, direct that in any particular case the additional members shall form part of the committee when considering and reporting to and advising him upon any matter or question referred to the committee under this Act in connection with any of the matters mentioned in Part II. of the said Schedule.

(5) A person shall be disqualified for being appointed or being an ordinary member of the Advisory Committee if he is a director of a company or a partner in a firm or is in the employment of a company or firm engaged in providing means of transport within the London Traffic Area.

(6) The term of office of the members of the Advisory Committee first appointed shall be from the date of appointment until the first day of December, nineteen hundred and twenty-five, and, subject to the provisions as to the term of office of persons appointed to fill vacancies, the term of office of persons subsequently appointed shall be three years; but a person going out of office may be reappointed. The chairman shall go out of office on the day on which the members of the committee by whom he is elected ordinarily go out of office.

(7) If any member of the Advisory Committee without having received leave of absence by a resolution of the committee fails for a

period of six months to attend duly summoned meetings of the Committee, or of a sub-committee on which he has been appointed to serve, his seat shall thereupon become vacant, and he shall not be eligible for reappointment in respect of that vacancy.

(8) On a casual vacancy occurring on the Advisory Committee by reason of death, resignation, or otherwise, the vacancy shall be filled by the appointment of a new member in like manner as the member in whose place he is appointed, and he shall hold office until the time when the member in whose place he is appointed would have gone out of office, and shall then go out of office. The foregoing provision shall apply to the chairman with the substitution of "election" for "appointment" and of "elected" for "appointed." If an ordinary member or an additional member is elected chairman, his election shall not create a casual vacancy.

(9) The Minister may place at the disposal of the Advisory Committee the services of such of the officers and servants of the Ministry of Transport as appear to him to be required for the purpose of the proper discharge of the duties of the Committee.

(10) The Advisory Committee may make rules (*b*) for regulating their procedure (including the fixing of a quorum, and the appointment, powers, duties and procedure of sub-committees) and for regulating the procedure at any inquiry held by the Advisory Committee or by any members thereof under this Act; and the additional members shall form part of the Advisory Committee when considering and making such rules of procedure.

(11) The Advisory Committee shall make an annual report of their proceedings to the Minister, which shall be laid before Parliament.

(12) The proceedings of the Advisory Committee shall not be invalidated by any vacancy in their number or any defect in the appointment of any member.

2. It shall be the duty of the Advisory Committee to consider and report to the Minister on any matters within the scope of the provisions of this Act, and to report to and advise the Minister upon such matters and questions as may be referred to them under this Act, or as the Minister may from time to time refer to them in connection with any of the matters mentioned in the Second Schedule to this Act.

3.—(1) In any case where the Advisory Committee think it desirable or expedient so to do, the Committee may, before advising and reporting to the Minister on any matter referred to them in pursuance of this Act, appoint one or more of their number to hold, or may if they think it advisable, themselves hold such public inquiry into the matter as they may think fit, and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report thereon to the Committee.

(2) Before any such inquiry is held the Advisory Committee shall give public notice of the date and place at which the inquiry will be

(*b*) See S. R. O., 1924, No. 1015, inserted below, page 142.

held and of the matters to be dealt with at the inquiry, and any person affected may make representations to the member or members holding the inquiry, or in the case of an inquiry held by the Advisory Committee themselves to that Committee, and, unless in their discretion such member or members or the Committee consider it unnecessary, any such person shall be heard at the inquiry: Provided that, for the purposes of this provision, the Corporation of the City of London and the council of any county, borough or district wholly or partly comprised in the London Traffic Area shall be deemed to be persons affected and shall have the right to be heard in any case where such corporation or council, or any persons represented by them, may be affected by any such inquiry.

(3) In any case where the Minister thinks it expedient or proper so to do, the Minister may delegate to the Advisory Committee the duty of holding any inquiry respecting any matter affecting traffic within the London Traffic Area which under any other Act the Minister is authorised or required to hold, and where the Minister has so delegated any such duty, the Advisory Committee shall appoint one or more of their number to hold, or may if they think it advisable themselves hold such inquiry as is required under the Act in respect of which the duty has been delegated, and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report to the Committee.

4.—(1) With a view that the times for the execution of works of road (*c*) maintenance and improvement by various road authorities within the London Traffic Area may be so arranged as to mitigate as far as possible the congestion of traffic due to the closing of streets for the purposes of the execution of such works, it shall be the duty of every road authority (*d*) within that area to submit to the Minister, on or before such half-yearly dates in each year as the Minister may fix, a statement in such form and containing such particulars as the Minister may require of all works of road maintenance and improvement proposed to be commenced or continued by the authority during the periods of six months commencing at the expiration of such interval, not being less than two months, after the said half-yearly dates as the Minister may fix, being works of such a nature as will involve the closing to vehicular traffic of any part of any street to which this section applies either absolutely or to the extent of one-third or more of the width of the carriageway.

(2) The Minister shall refer all such statements to the Advisory Committee, and it shall be the duty of that Committee to consider the proposals contained in such statements in relation to one another and

(*c*) By s. 16, the expressions "street" and "road" respectively include any highway and any bridge carrying a highway, and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

(*d*) By s. 16, the expression "road authority" in relation to any street or road means the county council, the common council of the City of London, the borough council or district council, as the case may be, for the time being charged with the duty of maintaining or repairing the street or road.

report to the Minister thereon; and the Minister, after considering the report, shall draw up schemes prescribing the times during which the several works are to be commenced and the order in which they are to be executed, or prohibiting or restricting the execution of any such works, and shall send copies of any such scheme to all road authorities and undertakers (*e*) affected thereby, and

(*a*) if within fourteen days after copies of any scheme have been so sent, no objection in writing to the scheme has been received by the Minister from any road authority or undertakers affected thereby, or every such objection has been withdrawn, the Minister may by order confirm the scheme;

(*b*) if any such objection has been received by the Minister within such time and has not been withdrawn, the Minister may, after considering the objection, either by order confirm the scheme with or without amendments, or revoke the scheme;

and upon the confirmation of any such scheme it shall become final and binding on all the road authorities affected and shall not be subject to appeal to any court:

Provided that the Minister may subsequently by order modify any such scheme in so far as it imposes any prohibition or restriction on the execution of any works in such manner as he may consider expedient.

(3) With a view to securing that, so far as possible, all works involving the breaking up of streets by any undertakers having statutory powers to break up streets (including any Government Department) shall be carried out at the same time as or in connection with works of road maintenance and improvements, the Minister shall send to all such undertakers copies of the proposals of the road authorities when received by him under this section so far as they relate to streets to which the powers of the undertakers extend and shall consider any representations made to him by such undertakers; and where works of road maintenance and improvement involving the closing of a street to such extent as aforesaid have been executed in accordance with any such scheme, it shall not be lawful for any such undertakers within twelve months of completion of those works to break up the street or part of the street so closed without the previous consent of the Minister and unless they prove to the satisfaction of the Minister that there were reasonable grounds for their failure or omission to execute whilst the street or part thereof was closed the works for the execution of which they require to break up the street and that it is essential that the works should be executed or commenced within the said twelve months; and the Minister may, if he thinks fit, make it a condition on giving his consent under this subsection to the breaking up of the street or part thereof that all works in connection therewith shall be carried out at night by commencing the same after the hour of eight in the evening and completing the

(*e*) By s. 16, the expression "undertakers" includes any local or public authority, company, or individual having powers to break up streets for the purposes of any sewerage system or any water, gas, electricity, tramway, or other undertaking.

same by the hour of eight in the morning, and if not then completed by carrying on the same continuously by day and night.

(4) Nothing in this section shall prevent any road authority or any such undertakers as aforesaid from carrying out works in any streets in cases of emergency, or prevent any such undertakers from making, altering, repairing or disconnecting service connections.

(5) The streets to which this section applies are such streets or streets of such classes within the London Traffic Area as may be prescribed by an order made by the Minister.

5.—(1) If it appears to any officer of police authorised for the purpose that, in the exercise of any power to break up streets within the London Traffic Area, any undertakers, by the deposit of excavated matter or other material, or by means of the erection of barriers, or otherwise, have created an obstruction in the street to a greater extent or for a longer period than is reasonably necessary, he shall report the matter to the road authority and the road authority shall cause an inspection to be made, and, if on such inspection it appears to them that the allegation is well founded, they may, by notice in writing, require the undertakers to take such steps as may be necessary to mitigate or discontinue the obstruction; and, if the undertakers fail to do so within twenty-four hours of the receipt of the notice, the road authority may themselves take the necessary steps and may recover any expenses properly incurred by them in connection therewith from the undertakers summarily as a civil debt:

Provided that, if within the said twenty-four hours the undertakers represent to the Minister that the obstruction to which the notice relates is not greater or has not been continued for a longer period than is reasonably necessary and send to the road authority a copy of the representations so made, the road authority shall not exercise the powers conferred by this section without the consent of the Minister.

(2) A road authority may, if they think fit, delegate to the road surveyor or other officer of the authority the powers of causing inspection to be made and of issuing requisitions conferred on the authority by this section.

6.—(1) As respects the area consisting of the city of London and the metropolitan police district, any licensing authority (*f*) may, with the view to securing the public safety and the convenience of traffic, define, by reference to terminal points and to the course to be followed between those points, the routes (hereinafter called "approved routes") within the area of its licensing jurisdiction upon which regular services of omnibuses (*g*) may be established. Any person who

(*f*) By s. 16, "licensing authority" in relation to omnibuses within the area comprising the City of London and the metropolitan police district means any authority appointed by the Secretary of State for the purpose under the Metropolitan Public Carriages Act, 1869.

(*g*) By s. 16, the expression "omnibus" includes every omnibus, charabanc, wagonette, brake, stage coach, or other carriage not being a trolley vehicle or tramway car plying for hire by, or used to carry, passengers at separate fares. "Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

proposes to establish a regular service of omnibuses within the area of the licensing jurisdiction of any such licensing authority upon a route which is not an approved route may apply to the licensing authority to define that route as an approved route, and in the event of the licensing authority refusing so to define such route an appeal shall lie to the Minister, who may, if he thinks fit, define the route, either as originally proposed, or subject to such alterations as he thinks proper, and any route so defined by the Minister shall be deemed to be an approved route.

(2) When licensing an omnibus to ply for hire within the area aforesaid, the licensing authority may, subject to the right of appeal to the Minister given by subsection (3) of section fourteen of the Roads Act, 1920, attach to any such licence all or any of the following conditions, that is to say :—

(*a*) a condition that the omnibus shall not ply for hire upon specified approved routes or any specified parts thereof, but such condition shall be imposed only on the ground that the omnibus is by reason of its construction or equipment unsuitable for use on such routes or parts thereof ;

(*b*) a condition that the omnibus shall not, without the consent of the licensing authority, which consent may be either of special or of general application, and may be either absolute or subject to any conditions, ply for hire except upon approved routes ;

(*c*) a condition that the omnibus shall not, without such consent as aforesaid, ply for hire except in maintaining a regular service ;

and, if any person to whom a licence is granted subject to any such condition fails to comply with the condition, he shall be liable on summary conviction to a fine not exceeding five pounds, and, if a person is convicted of a second or subsequent offence under this subsection, the licensing authority may, if they think fit, revoke or suspend the licence for the omnibus in respect of which the second or subsequent offence was committed.

(3) Where a licensing authority have defined approved routes, the authority may, with a view to attaching such conditions as aforesaid to licences, require in writing that all or any licences for omnibuses to ply for hire within the area aforesaid issued by them shall, within fourteen days of such requirement, be surrendered to them, and may issue in substitution for the licences so surrendered licences expiring on the same date as the licences so surrendered, and attach to any such substituted licences all or any of such conditions as aforesaid, and any licence so required to be surrendered shall, if not surrendered in accordance with the requirement, cease to have effect at the expiration of the said fourteen days, and, if so surrendered, shall cease to have effect on the issue of such substituted licence.

(4) A person to whom a licence for an omnibus has been granted subject to the condition that it shall not ply for hire except in maintaining such a regular service as aforesaid shall, within seven days or such other period as the Minister may fix after such condition has been

first imposed, deposit with the licensing authority a schedule in such form and identified in such manner as the licensing authority may require, showing—

(*a*) the approved routes upon which he intends to establish a regular service of omnibuses;

(*b*) the time at which the service on each route is to commence and end on each day;

(*c*) the service to be maintained on each such route, distinguishing, if the service to be maintained on different days or at different hours is to vary, the service to be maintained on the several days or at the several hours;

(*d*) the maximum number of omnibuses to be used to maintain such service on each such route, distinguishing, if the service is to vary on different days, the maximum number to be so used on the several days;

(*e*) the stages into which he intends to divide each route and the fares which he intends to charge in respect of such stages, distinguishing, if the stages and fares are to vary on different days or at different hours, the stages and fares on the several days and at the several hours;

and shall supply to the licensing authority such number of copies of the deposited schedule as the authority may require.

(5) On any such schedule being deposited with the licensing authority in accordance with the foregoing provisions, the same shall come into force, but the licensing authority shall send copies thereof to every person who is providing a regular service of omnibuses upon any route or any substantial portion of any route included in the schedule, and any such person shall have the right within seven days, or such other period as the Minister may fix, of receiving such copy to appeal to the Minister on the ground—

(*a*) that having regard to the number of omnibuses to be used for maintaining the service on any route, an increase in the service on that route specified in the schedule may reasonably be required either generally or during particular hours; or

(*b*) that having regard to the service to be maintained on any such route the maximum number of omnibuses to be used in maintaining the service is excessive;

and the Minister on such appeal, after giving the holder of the licence an opportunity of being heard, may make such order amending the schedule as he may think fit.

The Corporation of the City of London and the council of any county, or borough, or district wholly or partly within the area aforesaid, shall have the right at any time of appealing to the Minister against any schedule for the time being in force on the ground that any of the stages specified therein are unreasonably short or inconvenient or that any of the fares so specified are unreasonably high, and the Minister on such appeal, after giving the holder of the licence an opportunity of being heard, may make such order amending the schedule as he may think fit.

When an order amending a schedule has been made under this subsection the schedule shall have effect subject to the amendments made in the order.

(6) The holder of such a licence may at any time, but, subject as in the next following section provided, only at intervals of not less than four weeks, amend any such schedule or substitute a new schedule therefor by depositing with the licensing authority the proposed amendment or new schedule in such form and identified in such manner as the licensing authority may require, and shall send to the licensing authority such number of copies of the proposed amendment or new schedule as the licensing authority may require; and on the deposit of the amendment or new schedule the schedule proposed to be amended shall have effect subject to the amendment or, as the case may be, the new schedule shall be substituted for the schedule previously in force, subject in either case to the like right of appeal to the Minister as in the case of the original schedule:

Provided that, where a schedule has been amended on appeal to the Minister, no amendment to the schedule, nor any schedule to be substituted therefor, shall be so deposited within four weeks after the schedule as amended by the Minister came into force.

(7) The Minister may make regulations with respect to the procedure on appeals under this section, and those regulations may provide for the appointment of a person or two or more persons to hold a public inquiry in such manner as may be prescribed into the subject-matter of the appeal and for enabling the person or persons so appointed—

(*a*) to determine by whom and in what manner the costs of the appeal (including the remuneration of the person or persons appointed to hold the inquiry and any other expenses of the Minister) are to be borne;

(*b*) to take evidence on oath and for that purpose to administer oaths;

(*c*) by order to require any person subject to the payment or tender of the reasonable expenses of attendance to attend as a witness and give evidence or produce any documents in his possession or under his control which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law.

If any person fails without reasonable excuse to comply with any requirement contained in any such order, he shall, on summary conviction, be liable to a fine not exceeding five pounds.

(8) Where a person deposits a schedule (whether original or substituted) or an amendment to a schedule under this section, he shall send to the Minister such number of copies thereof as the Minister may require, and the copies so sent to the Minister shall be open to inspection by any person at all reasonable hours, and any person shall be entitled to make copies thereof or extracts therefrom.

(9) If a person to whom a licence for an omnibus has been granted

subject to the condition that it shall not ply for hire except in maintaining a regular service, fails to deposit a schedule as required by this section, or, except when prevented by accident or other unavoidable cause, or by a stoppage of work caused by an industrial dispute, or when otherwise authorised by the licensing authority, fails to establish or maintain a service in accordance with the schedule for the time being in force with respect to his omnibuses, or uses for the maintenance of any service a greater number of omnibuses than the maximum specified in such schedule or charges different fares or fares with respect to different stages from those specified in such schedule, he shall be liable on summary conviction to a fine not exceeding five pounds, and, if a person is convicted of a second or subsequent offence under this subsection, the licensing authority may, if they think fit, but subject to a right of appeal to the Minister, revoke or suspend all or any of the licences granted to the offender.

(10) Proceedings for an offence under this section shall not be instituted except by or on behalf of a licensing or police authority.

7.—(1) Where as respects any street or part of a street within the area consisting of the city of London and the metropolitan police district, the Minister is of opinion that by reason—

(*a*) of the width of the street or part of the street or the density of traffic thereon; or

(*b*) of the existence of alternative facilities for the conveyance of passengers along the street or part of the street or in proximity thereto, or of the omnibus accommodation on the street or part of the street being excessive;

it is desirable that an order under this section shall be made, he may by order declare the street or part of the street to be a street in which the plying for hire by omnibuses ought to be prohibited or restricted either generally or during particular hours, and a street or part of a street with respect to which such an order is made is hereinafter referred to as a "restricted street."

(2) Where the Minister has so declared any street or part of a street to be a restricted street, the Minister may make regulations—

(*a*) prohibiting or restricting the plying for hire by omnibuses in the street either generally or during particular hours, or limiting the aggregate number of journeys which may be made in either direction along the street during particular hours by omnibuses plying for hire;

(*b*) determining the omnibus proprietors whose omnibuses alone may ply for hire on the street and apportioning amongst those proprietors such aggregate number of journeys as aforesaid; but so, nevertheless, that the right so to ply shall not be limited to the omnibuses of one proprietor in any case where it appears to the Minister to be reasonable and practicable that the right should be exercised by other omnibuses also; and

(*c*) conferring on a licensing authority such powers as he may deem necessary to enable them to secure the observance of the regulations;

and the regulations may provide for dispensing with or relaxing the restrictions imposed thereby in such circumstances and in such manner as may be provided in the regulations.

(3) Where in consequence of any such regulations it is necessary for any proprietor to amend the schedule of services for the time being in force with respect to his omnibuses, he may do so notwithstanding that such an interval of four weeks as is mentioned in the last preceding section has not elapsed.

(4) If any person contravenes or fails to comply with any such regulations, he shall be liable on summary conviction to a fine not exceeding five pounds, and on the conviction of a person for a second or subsequent offence under this subsection, the licensing authority shall notify the Minister of the conviction, and the licensing authority, if so directed by the Minister, shall thereupon revoke or suspend all or any licences to ply for hire in the area aforesaid which they may have granted to the offender in respect of omnibuses:

Provided that proceedings for any such offence shall not be instituted except by or on behalf of a licensing or police authority.

(5) Before making an order declaring any street or part of a street to be a restricted street, or making any regulations under this section, the Minister shall give such notice of his intention to make the order or regulations, as the case may be, as he may think best adapted for informing persons affected, and shall refer the matter to the Advisory Committee for their advice and report.

(6) Any regulation made under this section shall be laid before both Houses of Parliament forthwith; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

8.—(1) It shall be the duty of the proprietor (*h*) of any omnibus, licensed subject to the condition that it shall not ply for hire except in maintaining a regular service as aforesaid, to keep such records and to make to the Minister such returns as the Minister may require.

(2) The Minister shall annually make a report to Parliament containing such of the returns so furnished to him, together with such comments thereon, and on the results of operating the said services, as he may think fit, and it shall be the duty of every such proprietor as aforesaid to furnish to the Minister such information, and to produce to him such accounts, books and documents as he may require

(*h*) By s. 16, the expression "proprietor" in relation to any omnibus includes a person having the use of an omnibus under a hiring or hire-purchase agreement.

for the purpose of preparing such report or otherwise carrying out his duties under this Act, or as he may consider to be necessary for the purposes of any inquiry held under this Act.

(3) An order of the Minister requiring any person to fulfil any duty imposed by this section shall be enforceable by the High Court on the application of the Minister in any of the ways referred to in section three of the Railway and Canal Traffic Act, 1854 (*i*).

9. Where a police constable in uniform is for the time being engaged in the regulation of traffic at any place in a street within the London Traffic Area, any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or make it proceed or keep to a particular line of traffic when directed so to do by such police constable in the execution of his duty shall, on summary conviction, be liable to a fine not exceeding five pounds.

10.—(1) For the purpose of relieving congestion and facilitating traffic in and near London, the Minister may make regulations to have effect in the London Traffic Area, or any such part thereof or places or streets therein, as may be specified in the regulations, for any of the purposes or with reference to any of the matters set out in the Third Schedule to this Act, and special regulations applicable only at special times or on special occasions may be so made:

Provided always that no such regulations shall interfere with street markets nor (so far as respects matters which may be dealt with by regulations under section one of the Metropolitan Streets Amendment Act, 1867 (*k*)) with street traders.

(2) Any regulations so made by the Minister may provide for the

(*i*) The relevant portions of s. 3 of the Railway and Canal Traffic Act, 1854, are as follows:—

"3. . . . if it be made to appear . . . that anything has been done or omission made in violation or contravention of this Act, by such company or companies, it shall be lawful for such court or judge to issue a writ of injunction or interdict, restraining such company or companies from further continuing such violation or contravention of this Act, and enjoining obedience to the same; and in case of disobedience of any such writ of injunction or interdict, it shall be lawful for such court or judge to order that a writ or writs of attachment, or any other process of such court incident or applicable to writs of injunction or interdict, shall issue against any . . . person failing to obey such writ of injunction or interdict; and such court or judge may also, if they or he shall think fit, make an order directing the payment . . . of such sum of money as such court or judge shall determine, not exceeding . . . the sum of two hundred pounds for every day, after a day to be named in the order, that such company or companies shall fail to obey such injunction or interdict; . . . and payment (of such monies) may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution. . . ."

(*k*) There is an error in the title of this statute. Reference is evidently intended to s. 1 of the Metropolitan Streets Act Amendment Act, 1867, and not to the Metropolitan Streets Act, 1867. The material part of s. 1 of the Metropolitan Streets Act Amendment Act, 1867, is as follows:—

"1. The sixth section of the Metropolitan Streets Act, 1867, prohibiting the deposit of goods in the streets, shall not apply to costermongers, street hawkers, or itinerant traders, so long as they carry on their business in accordance with the regulations from time to time made by the Commissioners of Police, with the approval of the Secretary of State. . . ."

suspension or modification so long as the regulations remain in force of any provisions of any Acts (whether public general, or local or private) byelaws or regulations, dealing with the same subject matter as the regulations made by the Minister, or of any Acts conferring power of making byelaws or regulations dealing with the same subject matter, so far as such provisions apply to any place or street to which the regulations made by the Minister apply.

(3) Any such regulations may provide for imposing fines recoverable summarily in respect of breaches thereof not exceeding in the case of a first offence twenty pounds, or in the case of a second or subsequent offence fifty pounds, together with, in the case of a continuing offence, a further fine not exceeding five pounds for each day the offence continues after notice of the offence has been given in such manner as may be prescribed by the regulations.

(4) Before making any regulations under this section, the Minister shall refer the matter to the Advisory Committee for their advice and report.

(5) Before making any regulations under this section which will impose new or additional duties on the police, the Minister shall consult the Secretary of State.

(6) The making of any regulations under this section shall be conclusive evidence that the requirements of this section have been complied with.

(7) Any regulation made under this section shall be laid before both Houses of Parliament forthwith; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

11. Nothing in this Act shall be construed as giving power to the Minister to impose any obligation upon a local authority to incur any expenditure on or in connection with the improvement of any road or the construction of any new road without consent of such local authority.

12.—(1) Where, owing to the presence of a vehicle on any road, an accident occurs within the London Traffic Area and it appears to the Minister that—

(*a*) the nature and character of the road or of the road surface was the sole or a contributory cause of the accident; or

(*b*) a defect in design or construction of the vehicle or in the materials used in the construction of the road or of the vehicle was the sole or a contributory cause;

the Minister, if he thinks fit, may cause an inquiry to be held into the cause of the accident.

(2) Where an accident occurs within the London Traffic Area resulting in the death of any person, and it is alleged that the accident

was due to the nature or character of any road or road surface or to a defect in the design or construction of any vehicle or in the materials used in the construction of any road or vehicle, the coroner holding inquiry into the cause of death shall send to the Minister, or to such officer of the Ministry of Transport as the Minister may direct, notice in writing of the time and place of holding the inquest, and of the adjourned inquest, and any officer appointed by the Minister for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(3) Section twenty of the Ministry of Transport Act, 1919 (which relates to the holding of inquiries), shall apply to inquiries held for the purposes of this section in like manner as it applies to inquiries for the purposes of that Act.

13.—(1) It is hereby declared that nothing in this Act is to be treated as conferring on any omnibus proprietor any right to the continuance of any benefits arising from the grant of licences, or from any conditions attached to licences, or from any orders, schedules or regulations for the time being in force under this Act.

(2) In the event of any undertaking providing means of transport within the London Traffic Area being purchased compulsorily by any local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act, or to any orders, schedules or regulations made thereunder, shall not be taken into account.

14.—(1) It shall be the duty of the proprietor of any omnibus which is licensed subject to the condition that it shall not ply for hire except in maintaining a regular service, to supply to the Minister on such form as the Minister may determine—

(*a*) full particulars of any agreement or arrangement, written or verbal, whereby his business is controlled (whether through shareholding or nomination of directors, or as the result of a loan or other financial transactions or otherwise) by any other person who is engaged in providing any form of transport service in the London traffic area or elsewhere, or in the manufacture or supply of vehicles, plant or equipment, or requisites for any such service or in financing persons so engaged; and

(*b*) full particulars as to the holding or beneficial interest of the proprietor in stocks, shares, or securities of any company which is so engaged as aforesaid.

(2) Particulars to be supplied by a proprietor of an omnibus under this section shall be supplied by him within fourteen days after the grant of the licence for the omnibus, and as respects any interests created or arising during the currency of a licence shall be supplied within fourteen days after such interests are created or have arisen:

Provided that, where particulars have been duly supplied by a proprietor on the grant of a licence for an omnibus, particulars need

not be supplied by him on the grant of a licence for any other omnibus belonging to him which is granted within a period of one year after the date of the first-mentioned licence.

(3) If any person refuses or neglects to supply any particulars which he is required to supply under this section, or knowingly supplies any particulars which are false in any material respect, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or in the case of a continuing offence to a fine not exceeding twenty pounds for every day during which the offence continues.

(4) All particulars required to be supplied under this section shall be treated as confidential except where the person supplying the same otherwise agrees, or where the Minister considers that it is in the public interest that they should be included in a report to Parliament under this Act, or where the Minister considers that the disclosure of the same is requisite for the purposes of any inquiry under this Act, or, in cases where legal proceedings are taken, for the purpose of those proceedings.

If any person discloses or publishes, in contravention of this subsection, any particulars which are to be treated as confidential, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

15. All expenses incurred in connection with the execution of powers and duties under this Act by the Minister or the Advisory Committee or the members thereof (including the remuneration of any officers and servants of the Ministry of Transport placed at the disposal of the Committee by the Minister, or such apportioned part of such remuneration as the Treasury may determine to be proper) shall, to such amount as may be sanctioned by the Treasury, be defrayed out of the Road Fund.

16. For the purposes of this Act, unless the context otherwise requires—

The expressions "street" and "road" respectively include any highway and any bridge carrying a highway, and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not;

The expression "road authority" in relation to any street or road means the county council, the common council of the City of London, the borough council or district council, as the case may be, for the time being charged with the duty of maintaining or repairing the street or road;

The expression "borough" includes "metropolitan borough";

The expression "omnibus" includes every omnibus, char-a-banc, wagonette, brake, stage-coach, or other carriage not being a trolley vehicle or tramway car plying for hire by, or used to carry, passengers at separate fares;

The expression "trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;

The expression "tramway car" includes any carriage used on any street or road in the London traffic area by virtue of an order made under the Light Railways Act, 1896;

The expression "licensing authority" in relation to omnibuses within the area comprising the City of London and the metropolitan police district means any authority appointed by the Secretary of State for the purpose under the Metropolitan Public Carriages Act, 1869;

The expression "undertakers" includes any local or public authority, company, or individual having powers to break up streets for the purposes of any sewerage system or any water, gas, electricity, tramway, or other undertaking;

The expression "proprietor" in relation to any omnibus includes a person having the use of an omnibus under a hiring or hire-purchase agreement.

17.—(1) This Act may be cited as the London Traffic Act, 1924, and shall come into operation (*l*) on the appointed day, and the appointed day shall be such day not being later than the first day of October, nineteen hundred and twenty-four, as the Minister may by order appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(2) This Act shall continue in force until the first day of December, nineteen hundred and twenty-eight:

Provided that the expiration of this Act shall not affect any penalty, forfeiture, or punishment previously incurred under this Act or under any regulations made under this Act, or affect any legal proceeding or remedy in respect of any such penalty, forfeiture, or punishment, and any such legal proceeding or remedy may be instituted, or continued, or enforced, and such penalty, forfeiture, or punishment may be imposed as if this Act had not expired.

SCHEDULE.

FIRST SCHEDULE.

The London traffic area shall include the following areas:—

The administrative county of London;

The administrative county of Middlesex;

The county boroughs of Croydon, East Ham, and West Ham:

So much of the administrative county of Buckingham as comprises:—

The urban districts of Beaconsfield, Eton, and Slough;

The rural district of Eton;

The parishes of Amersham, Chalfont St. Giles, Chalfont St. Peter, Chenies, and Penn; Coleshill Hamlet and Seer Green Chapelry in the rural district of Amersham:

So much of the administrative county of Essex as comprises:—

The urban districts of Barking Town, Brentwood, Buckhurst Hill, Chingford, Epping, Grays Thurrock, Ilford, Leyton, Loughton, Romford, Tilbury, Waltham Holy Cross, Walthamstow, Wanstead, and Woodford;

(*l*) See note (*a*) to section 1.

The rural districts of Billericay, Epping, Ongar, Orsett, and Romford:
So much of the administrative county of Hertford as comprises:—
The boroughs of St. Albans, Hertford and Watford:
The urban districts of Barnet, Bushey, Cheshunt, Chorleywood, East Barnet Valley, Harpenden, Hoddesdon, Rickmansworth and Ware;
The rural districts of Barnet, Hatfield, Hertford, St. Albans, Ware, Watford, and Welwyn; and the detached part (lying between the rural districts of Ware and Epping) of the parish of High Wych in the rural district of Hadham:
So much of the administrative county of Kent as comprises:—
The boroughs of Bromley and Gravesend;
The urban districts of Beckenham, Bexley, Chislehurst, Crayford, Dartford, Erith, Northfleet, Penge, Sevenoaks and Sidcup;
The rural districts of Bromley and Dartford;
The parishes of Brasted (excluding the detached portion), Chevening, Dunton Green, Halstead, Kemsing, Otford, Riverhead, Seal, Sevenoaks, Weald, Shoreham, Sundridge and Westerham, in the rural district of Sevenoaks:
So much of the administrative county of Surrey as comprises:—
The boroughs of Guildford, Kingston-upon-Thames, Reigate, Richmond, and Wimbledon;
The urban districts of Barnes, Beddington and Wallington, Carshalton, Caterham, Chertsey, Coulsdon and Purley, Dorking, East and West Molesey, Egham, Epsom, Esher and the Dittons, Ham, Leatherhead, Merton and Morden, Mitcham, Surbiton, Sutton, The Maldens and Coombe, Walton-upon-Thames, Weybridge, and Woking;
The rural district of Epsom;
The parishes of Bisley, Byfleet, Pyrford, and Thorpe in the rural district of Chertsey;
The parishes of Dorking Rural, Effingham, and Mickleham in the rural district of Dorking;
The parishes of Addington, Bletchingly, Chelsham, Crowhurst, Farleigh Godstone (except the detached portion), Limpsfield, Oxted, Tandridge (except so much of the said parish as lies to the south of an imaginary straight line drawn from the point where the western boundary of the said parish joins the southern boundary of the parish of Godstone to the point where the eastern boundary of the said parish joins the southern boundary of the parish of Crowhurst), Tatsfield, Titsey, Warlingham, and Woldingham in the rural district of Godstone;
The parishes of Artington, East Clandon, East Horsley, Merrow, Ockham, Pirbright, Send and Ripley, West Clandon, West Horsley, Wisley and Worplesdon; and part of the parish of Compton in the rural district of Guildford;
The parishes of St. Martha (Chilworth) and Shalford in the rural district of Hambledon;
The parishes of Betchworth, Buckland, Chaldon, Chipstead, Gatton, Merstham, Nutfield, and Walton-on-the Hill; and Kingswood Liberty in the rural district of Reigate.

SECOND SCHEDULE.

PARTICULAR MATTERS WHICH MAY BE REFERRED TO THE ADVISORY COMMITTEE.

PART I.

Matters in respect of which the additional members are to form part of the Advisory Committee.

(*a*) The co-ordination of all or any of the various forms of transport services, and co-operation between the persons operating the same or different forms of transport services with a view to the combined operation of all means of transport in the London Traffic Area in the best interests of the public;

(*b*) The causes tending to hinder the free circulation of traffic on streets in the London Traffic Area and the measures to be adopted to remove such causes or to minimise their effects;

(*c*) The desirability of the revision, simplification, codification and extension of existing enactments, orders, regulations and byelaws, and of the initiation of new legislation, with regard to or affecting traffic on streets in the London Traffic Area;

(*d*) The making of new orders, byelaws and regulations (including the fixing of speed limits) relating to traffic on streets in the London Traffic Area;

(*e*) The provision of sufficient headroom in the construction of new bridges over streets and the proper marking and lighting of structures across streets which do not provide sufficient headroom;

(*f*) The comparative desirability of different forms of transport services in various circumstances either generally or in particular localities, or in any specific case.

PART II.

Matters in respect of which the additional members are, if the Minister so directs, to form part of the Advisory Committee.

(*g*) The development, improvement, or extension of the existing system of road communication within the London Traffic Area;

(*h*) New transport systems or developments or extensions of existing systems proposed to be established or carried out within the London Traffic Area;

(*i*) The exercise of any of the powers of the Minister from whatsoever source derived in relation to traffic on streets in the London Traffic Area, with the exception of any matters dealt with by him in virtue of section seven of this Act.

PART III.

Matters in respect of which the additional members are not to form part of the Advisory Committee.

(*j*) The formulation of proposals for the equitable distribution amongst the various road authorities in the London Traffic Area of the cost of any scheme of road development, improvement or extension.

THIRD SCHEDULE.

PURPOSES OR MATTERS FOR OR WITH RESPECT TO WHICH REGULATIONS MAY BE MADE BY THE MINISTER.

(1) For prescribing the routes to be followed by all classes of traffic, or of any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.

(2) For prescribing streets which are not to be used for traffic by vehicles of any specified class or classes, either generally or at specified times.

(3) For regulating the relative position in the roadway of traffic of differing speeds or types.

(4) For prescribing the places where vehicles or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the regulations.

(5) For prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road.

(6) For prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles or vehicles of any particular class or description either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver.

(7) For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles, or vehicles of any particular class or description, on streets.

(8) For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.

(9) For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any particular class or description, may be used on streets for collecting refuse.

(10) For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, or in opposite directions, or when crossing.

(11) For prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on streets within the Metropolitan police district and the city of London.

(12) For requiring the erection, exhibition, and removal of traffic notices, and as to the form, plan, and character of such notices.

(13) Broken-down vehicles.

(14) Vehicles, or vehicles of any particular class or description, when unattended.

(15) Places in streets where vehicles, or vehicles of any particular class or description, may, or may not, wait either generally or at particular times.

(16) Cab ranks and ranks and stopping places of omnibuses and other public conveyances.

(17) Cabs and hackney carriages not hired and being in a street elsewhere than on a cab rank.

(18) For restricting the use of vehicles and animals, and of sandwichmen and other persons, in streets for the purposes of advertisement of such a nature or in such a manner as to be likely to be a source of danger or to cause obstruction to traffic.

(19) The lighting and guarding of street works.

(20) The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street, or likely to occasion danger to passengers or vehicles.

(21) Queues of persons waiting in streets.

(22) Priority of entry to public vehicles.

(23) For enabling any police, local or other public authority, in the event of any person failing to do anything which under the regulations he ought to have done, to do such act, and to recover the expenses thereof from the person so in default summarily as a civil debt.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Traffic Census of 1922 *and* 1923.—A Report, including tables of statistics of traffic recorded on Class I. Roads in Great Britain during August, 1922, together with diagrams, charts and two maps, was issued by the Ministry of Transport. Copies are obtainable from usual sources, price 1*s.*

A second Report dealing with traffic recorded on Class II. Roads during August, 1923, together with six maps and two charts, was also placed on sale, price 9*d.*

Report on the Administration of the Road Fund for the Year, 1923 *to* 1924.—This Report which was presented to Parliament by the Ministry of Transport pursuant to Sect. 3 (6) of the Roads Act, 1920, was placed on sale, price 1*s.*

LONDON TRAFFIC.

S. R. AND O., No. 982.

ORDER DATED AUGUST 26TH, 1924, MADE BY THE MINISTER OF TRANSPORT UNDER THE LONDON TRAFFIC ACT, 1924, FIXING THE APPOINTED DAY ON WHICH THE ACT IS TO COME INTO FORCE.

Whereas it is provided, by Section seventeen of the London Traffic Act, 1924 (hereinafter referred to as " the Act "), that the Act shall come into operation on the appointed day, and that the appointed day shall be such day not being later than the first day of October, nineteen hundred and twenty-four, as the Minister of Transport may by Order appoint, and that different days may be appointed for different purposes and for different provisions of the Act :

Now, therefore, the Minister of Transport hereby orders as follows :—

1. This Order may be cited as the London Traffic Act (Appointed Days) Order, 1924.
2. The first day of September, nineteen hundred and twenty-four, shall be the appointed day for the purposes of Section one of the Act, which relates to the constitution of the Advisory Committee, and the first day of October, nineteen hundred and twenty-four, for the purposes of the other provisions of the Act.

LONDON TRAFFIC ACT ADVISORY COMMITTEE.

The London and Home Counties Traffic Advisory Committee, appointed under the provisions of Sect. 1 of the London Traffic Act, 1924, was constituted as follows :—

Ordinary members :—

Mr. A. L. Dixon, appointed by the Home Secretary.

Sir George Hume, M.P., appointed by the London County Council.

Mr. Charles W. Matthews, appointed by the London County Council.

Mr. John R. Pakeman, appointed by the City of London.

Sir Henry Jackson, M.P., appointed by the metropolitan boroughs.

Sir Henry New, appointed by the metropolitan boroughs.

Colonel Charles Pinkham, appointed by the four county councils north of the Thames.

Mr. K. E. Chalmers, appointed by two county councils south of the Thames.

Mr. W. G. Davie, appointed by the county boroughs of Croydon, East Ham and West Ham.

Chief Constable A. E. Bassom, appointed by the Home Secretary as representing the metropolitan police.

Sir William Nott Bower, appointed by the City of London, as representing the city police.

Sir Henry Maybury, appointed by the Minister of Transport.

Additional members :—

(*a*) Appointed by the Minister of Labour as representing the interests of labour engaged in the transport industry within the

London traffic area: Mr. John Cliff, Mr. A. O'Leary, Mr. Ben Smith, M.P.

(*b*) Appointed by the Minister of Transport as representing the interests of persons providing means of transport and users of mechanically-propelled and horse-drawn road vehicles within the London traffic area: Mr. G. A. Dutfield, Mr. Frank Pick, Mr. F. W. Prowse, Sir Herbert Walker.

The committee elected Sir Henry Maybury as chairman.

S. R. AND O., 1924, No. 1015.

LONDON TRAFFIC.

THE LONDON TRAFFIC (JOINT COMMITTEES) RULES OF PROCEDURE, 1924, DATED SEPTEMBER 1ST, 1924, MADE BY THE MINISTER OF TRANSPORT UNDER THE LONDON TRAFFIC ACT, 1924.

To the several councils grouped under the London Traffic Act, 1924, for the appointment of members of the London and Home Counties Traffic Advisory Committee;—

And to all others whom it may concern.

1. These Rules may be cited as the London Traffic (Joint Committees) Rules of Procedure, 1924.

2. In these Rules:—

The expression "Minister" means the Minister of Transport.

The expression "group of Local Authorities" means any of the groups of councils associated together by Sect. 1 (2) of the London Traffic Act, 1924, for the purpose of appointing members of the London and Home Counties Traffic Advisory Committee (hereinafter called "the Advisory Committee") and set out in the Schedule to these Rules.

The expression "Joint Committee" means in relation to any group of local authorities the Joint Committee to be appointed by that group under Sect. 1 (2) of the London Traffic Act, 1924.

3.—(1) Each of the councils named or described in the first column of the Schedule to these Rules shall, at a meeting of the council to be held within eight weeks from the date of these Rules or within such further time as the Minister may allow, proceed to appoint a member to represent the council on the Joint Committee for the group of local authorities within which the council is included.

(2) Seven days' previous notice in writing of the meeting of the council, and of the intention to make the appointment, shall be given or sent to each member of the council by the clerk to the council, or the town clerk, as the case may be.

4. Every member appointed by a council to represent the council on a Joint Committee shall be appointed by the council from among the members of their own body.

5. Upon the first appointment by a council of a member to represent the council on the Joint Committee the clerk to the council, or the town clerk, as the case may be, shall forthwith notify in writing to the Minister the name, address and occupation of each member so appointed.

6. A member of a Joint Committee shall continue in office

until he dies, or resigns, or goes out of office as a member of the council by whom he was appointed a member of the Joint Committee :

Provided that a member of a Joint Committee who ceases to hold office by reason of his resignation, or going out of office as a member of such council, shall be re-eligible as a member of the Joint Committee if at the time of re-appointment he is qualified to be so re-appointed.

7.—(1) On a vacancy occurring in a Joint Committee by reason of the death or resignation of a member, or otherwise, the council by whom that member was appointed shall, subject to the provisions of these Rules, appoint another member in his place.

(2) The person appointed to fill the vacancy shall be appointed at a meeting of the council to be held within six weeks after the occurrence of that vacancy, or within such further time as the Minister may allow.

(3) At least seven days' previous notice in writing of the meeting of the council and of the intention to make the appointment shall be given or sent to each member of the council by the clerk to the council, or the town clerk, as the case may be.

(4) The clerk to the council, or the town clerk, as the case may be, shall, as soon as the appointment has been made, notify in writing to the Minister the name, address and occupation of the person so appointed.

8.—(1) The time and place of holding the meetings of each Joint Committee shall be fixed by the Minister.

(2) The quorum of the Joint Committee to be constituted in respect of each group of local authorities shall be the number set out in the third column of the Schedule to these Rules opposite to the group of local authorities.

(3) A chairman shall be elected by the members of the Joint Committee from among their number at every meeting of each Joint Committee ; and the election of the chairman shall be the first business to be transacted at that meeting.

(4) Any question to be determined at a meeting of each Joint Committee shall be decided by a majority of the votes of the members present and voting on that question ; and, in the case of equality of votes, the chairman shall have a second or casting vote.

(5) Notices of all meetings of each Joint Committee shall be delivered or sent by post by the Minister so as to reach the last known place of abode or business in England of each member of the Joint Committee at least three clear days before the day of meeting.

9. Each Joint Committee at their first meeting or at an adjournment of that meeting shall, subject to the provisions of Sect. 1 of the London Traffic Act, 1924, as to the qualification of ordinary members of the Advisory Committee, appoint the number of persons set opposite to the relative group of local authorities in the second column of the Schedule to these Rules to be the members or member to represent that group on the Advisory Committee, and the chairman at such meeting shall forthwith notify in writing to the Minister the name, address and occupation of each person so appointed.

10. Between the 15th and 30th days of November, 1925, each Joint Committee shall, at a meeting duly convened for the purpose, appoint the number of persons set opposite to the relative group of local authorities in the second column of the Schedule to these

Rules to be the members or member to represent that group on the Advisory Committee, and the chairman at such meeting shall forthwith notify in writing to the Minister and to the secretary to the Advisory Committee the name, address and occupation of each person so appointed.

11. When a casual vacancy occurs in the Advisory Committee and the casual vacancy is one to be filled by an appointment by a group of local authorities, the Joint Committee shall, at a meeting duly convened for the purpose, appoint a duly qualified person to be the member to represent that group of local authorities on the Advisory Committee in the place of the person who has ceased to be a member, and the chairman at the meeting shall forthwith notify in writing to the Minister and to the secretary to the Advisory Committee the name, address and occupation of the person so appointed a member of the Advisory Committee.

SCHEDULE.

	Groups of Councils.	Number of Members of the Advisory Committee to be appointed by each group of councils.	Quorum of Joint Committees.
Group No. 1.	The Council of the City of Westminster " " Borough of Battersea " " " Bermondsey " " " Bethnal Green " " " Camberwell " " " Chelsea " " " Deptford " " " Finsbury " " " Fulham " " " Greenwich " " " Hackney " " " Hammersmith " " " Hampstead " " " Holborn " " " Islington " " " Kensington " " " Lambeth " " " Lewisham " " " Paddington " " " Poplar " " " St. Marylebone " " " St. Pancras " " " Shoreditch " " " Southwark " " " Stepney " " " Stoke Newington " " " Wandsworth " " " Woolwich	2	10
Group No. 2.	The County Council of Middlesex " " Buckingham " " Essex " " Hertford	1	3
Group No. 3.	" " Kent " " Surrey	1	2
Group No. 4.	The County Borough of Croydon " " East Ham " " West Ham	1	2

SLIPPERY ROADS.

The Ministry of Transport announced that in view of complaints which had reached the Minister regarding the slipperiness of certain kinds of road surface in some states of the weather, the Minister recently invited representatives of the principal firms associated with these types of paving to meet officers of the Roads Department for a general discussion of the question. As a result of this meeting a small committee had been set up, on which the Roads Department was represented, to undertake investigations and experiments.

HIGHWAY BRIDGES.

The Ministry of Transport made the following announcement on 23rd December :—

Among the hundreds of road improvement schemes which figure on the Annual Budget of the Ministry of Transport Road Fund, there are few which do not include some modification, widening or reconstruction of highway bridges.

In magnitude the operations range from the building of new culverts over brooks and ditches to the construction of a new high-level bridge over the River Tyne or a new crossing of the Tweed at Berwick, where an ancient bridge with long centuries of service will lapse into the honourable estate of an " historical monument."

It may safely be said that no bridge scheme of any importance is being carried out by any highway authority throughout the country without substantial assistance from the Road Fund, or in other words from the motorist who has become the principal user of the public highway.

As showing the ever increasing activity of this branch of the Ministry's work, it may be mentioned that while in the financial year 1922–23, 73 bridge schemes were approved, the number rose in the following year to 115, and in six months of the present year to 147. These figures are exclusive of lesser schemes where the bridge forms a comparatively unimportant feature in a road improvement project.

Progress in bridge building has been notably encouraged by the action of the Government in the autumn of 1922, when it was decided to offer grants on an exceptionally favourable scale to highway authorities who would push forward vigorously with their schemes, so as to promote employment in the bridge building trades.

The total grants made available up to the present time on these exceptional terms total £2,600,000, and a further programme is contemplated comprising an additional expenditure of £1,000,000.

Since local authorities frequently spread their share of the cost over a period of thirty years by means of a loan the burden on the ratepayers is not excessive.

Needless to say, the new bridges will be free from the load restrictions which form such an irritating feature of so many of the older structures. In all cases where a grant from the Road Fund is sought, the condition is attached that the bridge shall comply with the uniform standard of strength imposed by the Ministry so that the structure can safely be thrown open to every form of traffic without

exception. If the standard of loading be criticised as somewhat onerous and greatly in excess of that prescribed in other countries, it may well be replied that, for a structure whose life is reckoned in centuries, ample provision should be made for the increasing strain which the future may impose.

Not only are structural considerations borne in mind, but also, almost equally, architectural design and amenity. It is the policy of the Ministry to encourage the practice to associate with such works an architect, well qualified to give due consideration to these important factors.

As conspicuous examples of schemes now being promoted, may be mentioned the new bridge over the Usk at Newport (Monmouthshire), the Newcastle-Gateshead Bridge over the Tyne, the Queens Ferry Bridge across the Dee in Flintshire, a new swing bridge at Yarmouth, and the viaduct connecting Essex and Middlesex across the Lea Valley, thus completing the North Circular Road round London.

Archæological interest attaches to many of the projects now in course of negotiation, as for instance, the Clopton Bridge at Stratford-on-Avon, the Harnham Bridge at Salisbury, the Chantry Bridge at Rotherham, in all of which cases every effort will be made to preserve intact the characteristic features of the ancient structure.

In other instances, such as Grasmere Bridge in Westmoreland, the beauty of the landscape forms a dominant factor in the problem presented to the bridge builder.

A peculiar difficulty confronts highway authorities in the case of bridges maintainable by undertakings such as canal companies, railway companies, etc., whose liability is limited to the upkeep of a structure adapted to the loads and traffic conditions of the period in which the bridge was erected, maybe seventy years ago or more. Under the infinitely severer traffic conditions of to-day it is evident that the greater number of canal bridges and many railway bridges need entire reconstruction. Not only is their strength inadequate, but in many cases the width is insufficient, and the camber of the bridge unsuitable for fast moving traffic.

Although the depressed financial situation of many of the canal undertakings hinders the negotiations for the reconstruction of these bridges, continuous pressure is being exercised by the Ministry of Transport, and many conferences have been convened for the purpose of adjusting the financial burden which has to be shared between the Undertaking, the Highway Authority and the Road Fund. Sweeping and drastic remedies cannot well be applied ; and in view of the magnitude of the problem some years must necessarily elapse before the highways of the country, at points where they cross canals, can be brought up to a standard giving complete satisfaction to road users.

Another matter which engages the constant attention of the Ministry of Transport is the elimination of railway level-crossings on important roads. The erection of bridges at such points is a costly proceeding and involves in many cases the acquisition of buildings which will be buried beneath the bridge approaches. In many instances the problem can best be attacked indirectly, as at Purfleet on the London-Tilbury Road, where two level-crossings obstructed the old highway ; by constructing an entirely new loop-road to the north of the town, the railways were avoided and the wayfarer

provided with a shorter, pleasanter, and less hilly route which incidentally will bring about the profitable development of an attractive stretch of country.

It must not be deduced from the foregoing particulars that within the near future the authorities responsible for the highway bridges of the country will be able to rest on their oars. Though a satisfactory advance is being made, the process of modernising these structures will necessarily be a protracted and costly one extending over a lengthy period of years.

III.—CASES.

Bridge over Canal—Liability of Canal Company to Maintain—Standard of Maintenance—Change in Character of Ordinary Traffic of District.]—A canal company in Ireland were required by their special Act to " maintain and keep the said navigation, and every part thereof, and all bridges . . . belonging or appertaining thereto, and all works, bridges, viaducts, preservation, retaining, and other walls, fences, and embankments upon or connected with all county or other roads made and constructed by the said company, and all works to be hereafter executed for the improvement thereof, in good and substantial and serviceable repair, and in an efficient state for all the purposes thereof, and of the traffic on the same respectively." The works, improvements, and repairs were to be performed and executed under the inspection, and to the satisfaction of the Commissioners of Public Works in Ireland, who had power to inspect the state of repair of the bridges, and a provision was made for arbitration in case of a difference of opinion as to repairs. A county road was carried over the canal by a bridge which it was admitted was efficient and fit to carry the ordinary traffic on the road at the time when the Act was passed, but was not fit to carry the increased traffic, and in particular the motor traffic, which might be expected to pass over the road at the present day :

HELD (Lord Blanesburgh dissenting)—that under the Act the company could only be compelled to keep the bridge in a condition adequate to carry the ordinary traffic at the date of the passing of the Act, and not to make it efficient for carrying the increased and heavier traffic of the present day.

A.-G. FOR IRELAND *v.* LAGAN NAVIGATION CO., [1924] A. C. 877 ; 93 L. J. P. C. 241 ; 131 L. T. 771 ; 88 J. P. 162 ; 22 L. G. R. 569 ; [1924] 1 I. R. 714 H. L. (Ir.).

Covenant to Repair and Maintain until " Taken over " by Local Authority—Road Passing over Bridge Declared to be a Highway Repairable by Inhabitants at Large.]—Sect. 4 of the Public Health Act, 1875, defines " street " as including " any highway . . . and any public bridge (not being a county bridge) and any road. . . . " By a deed made in 1900 one G. obtained liberty to construct a bridge over a watercourse belonging to two canal companies and to carry a road thereover, and he covenanted to repair and maintain the bridge until the road and bridge were " taken over " by the local authority. In 1915 the local authority by a notice under Sect. 152 of the Public Health Act, 1875, declared the road which passed over the bridge to be a highway repairable by the inhabitants at large and the road thereupon, by virtue of Sect. 149 of the same Act, became vested in the local authority. No steps were taken by the local authority to declare the bridge to be a county bridge :

HELD—that the local authority had " taken over " within the meaning of the covenant not only

the road but the fabric of the bridge, and therefore that no obligation now rested upon G. or his representatives to repair and maintain the bridge.

REGENT'S CANAL AND DOCKS CO. *v.* GIBBONS, [1925] 1 K. B. 81; 94 L. J. K. B. 46; 41 T. L. R. 12; 69 Sol. Jo. 195; 22 L. G. R. 759; 158 L. T. Jo. 352; 88 J. P. Jo. 654—Swift, J.

Servitude—Character of Servitude.]—Where the owners of a piece of ground had acquired a servitude of way for carts through an adjacent field by use, during the prescriptive period, of a road for agricultural and market garden purposes, which were the only purposes to which the ground had been put:

HELD—that the servitude was not limited to use for agricultural and market garden purposes, but was a servitude of way for carts for all purposes.

CARSTAIRS *v.* SPENCE, [1924] S. C. 380; 61 Sc. L. R. 297; [1924] S. L. T. 300—Ct. of Sess.

Restrictive Covenants—Benefit Annexed to Public Road—Road taken over by Local Authority—Enforceability—Building Agreement—Absence of Essentials of Building Scheme—Injunction—Discretion of Court—Absence of Damage.]—The benefit of restrictive covenants relating to the mode of building on an estate through which a road runs can be validly annexed to the site and soil of the road so as to run with it, even after it has been dedicated to the public; but if the road is subsequently taken over by a local authority (whether under the Metropolis Management Act, 1855, or the Public Health Act, 1875) a successor in title of the original owner of the road ceases to have such an interest in it as will entitle him to enforce the covenants. The surface of the road is no longer vested in him, and the restrictions do not touch or concern such interest in the road as he retains.

Per Tomlin, J. (the C. A. expressing no opinion on this point): The Court has a judicial discretion with regard to granting an injunction to prevent the breach of a restrictive covenant when there is no privity of contract between the parties; and it will not grant an injunction when no damage can be proved by the person seeking to enforce the covenant and the breach is not of a kind to cause any nuisance or annoyance.

Decision of Tomlin, J., affirmed upon the other grounds relied on by him. The essentials of a building scheme discussed and held on the facts not to exist.

KELLY *v.* BARRETT, [1924] 2 Ch. 379; 94 L. J. Ch. 1; 40 L. T. R. 650; 68 Sol. Jo. 664; 157 L. T. Jo. 473—C. A.

IV.—DEPARTMENTAL DECISIONS.

Removal of Snow in Rural District.

A rural district council proposed to incur expense in the removal of snow from the streets of a village, and to charge the expense as a special expense on the parish. The Ministry of Health took the view that the work was necessary chiefly for the cleansing of streets within the meaning of Sect. 42 of the Public Health Act, 1875. Urban powers under this section were therefore conferred upon the rural district council, and the expenses were declared to be special.

NOTE.—The R. D. C. could have elected to proceed under Sect. 26 of The Highway Act, 1835.

Heavy Motor and Locomotive Traffic.

As regards the regulation of heavy motor and locomotive traffic, the Minister of Transport informed the council of an urban district remote

from London that he was unable to recommend any powers additional to those set out in Sect. 7 (4) of the Roads Act, 1920. The taxation of mechanically-propelled road vehicles was paid into the Road Fund which is devoted entirely to the assistance of local authorities in connection with the construction, improvement, and maintenance of highways. Under the regulations the maximum weight of a locomotive (exclusive of the weight of water, fuel, or accumulators) was restricted to 15½ tons, with certain additional permitted increases for special fittings. With regard to the trailers drawn by locomotives, the maximum laden weight permitted was eight tons for each trailer, the total number of trailers being restricted to three. Weights in excess of eight tons per trailer can only be carried with the consent of either the county council or the council of a municipal borough, who may also authorise the use of more than three trailers.

Bridge taken over by County Council.

Section 6 of the Local Government Act, 1888, provides that a county council may take over, on terms to be agreed on, existing bridges not being county bridges, and may maintain, repair and improve such bridges. The Act makes no provision for the application of money received in such circumstances, and a county council consulted the Ministry of Health on the subject. In reply, the Ministry stated that there was no statutory direction as to the application of such monies, but the proper course was to treat them as capital.

Badly Sprung Heavy Motor Vehicles.

In the House of Commons on 9th July, Mr. Baker asked the Minister of Transport whether he was aware that serious damage was caused to the roads by the use of heavy motor vehicles which were badly sprung and in a state of bad repair; and whether he would seek powers to enable him to test all such vehicles?

Mr. Gosling replied: Vehicles which are badly sprung undoubtedly cause unnecessary damage to roads. The question of the regular examination and testing of motor vehicles has been considered by the departmental committee on the Taxation and Regulation of Road Vehicles, and in paragraph 65 of their second interim report they gave it as their opinion that the work involved, and the heavy expense entailed, would render any such proposal impracticable, at any rate at the present time. I am disposed to concur with the views expressed by the committee.

HOSPITALS, MEDICAL ASSISTANCE, NURSING.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Hosp./2.

MEMORANDUM ON THE PROVISION OF ISOLATION HOSPITAL ACCOMMODATION BY LOCAL AUTHORITIES.

This Memorandum is designed to represent to those who are responsible for the health of communities the importance of providing hospital accommodation for the isolation of cases of infectious disease, and of doing so before the actual invasion of their districts by such disease. It is further intended to indicate to local authorities, more especially to those of districts of small or moderate size, the means by

which they may most advantageously make such provision. Some general principles to be held in view by all authorities who propose to provide, by means of loans sanctioned by the Minister of Health, isolation hospitals for their districts will be set forth in the course of the Memorandum.

The provision of hospital accommodation for cases of infectious diseases is to be regarded primarily as a measure of sanitary defence, for the protection of the public against the spread of these diseases. It is true that such accommodation incidentally serves other useful purposes. Thus, it is frequently of value for the relief of individuals suffering from infectious disease, whose sufferings may be alleviated and their recovery promoted by affording them better accommodation and attendance than they are able to obtain at their own homes. Or it may be the means of avoiding serious inconvenience and pecuniary loss, as when infectious disease breaks out in a school, a lodging house, or a place of business. But, nevertheless, the most important function which such a hospital serves is that of the isolation of the first cases of infectious disease with a view to preventing its further spread in the household or locality invaded.

In order that a hospital may fulfil this function, it is essential that it should be in readiness beforehand. Experience has shown that on the invasion of an epidemic, a hospital, even of a temporary kind, can seldom be provided and got ready for use until the time when it would have been of most service is past. The accommodation, moreover, which is required when an epidemic has become established is on a larger scale than would have sufficed for the isolation of the first cases; and hospitals hurriedly erected during the stress of an epidemic are never satisfactory in construction or suited to the permanent needs of the district.

An isolation hospital being intended primarily for the protection of the public at large rather than for the benefit of individuals, it is undesirable that admission should be subject to restrictive charges and conditions which may tend to prevent the use of the hospital by the poorer portion of the community; that is to say, by those who have the least facilities for isolation and treatment at their own homes. In some districts, however, *e.g.* at health resorts, it may be advisable to provide special accommodation of a superior kind, such as private wards, for persons willing to pay for it.

Area to be served by a Hospital.—The extent of the area which an isolation hospital may serve will depend in some degree upon considerations of local topography. The unnecessary multiplication of small hospitals is to be avoided on grounds both of economy and of efficiency. As compared with that of several smaller hospitals, the establishment of a single hospital containing an equal number of beds saves the cost of duplicating various buildings, appliances, and officers; it facilitates the classification of patients according to the diseases from which they are suffering; and it enables a more efficient staff to be maintained, since the hospital is less likely to remain empty for considerable periods. Hence, where districts are not very large or populous, combination for the purpose of providing hospital accommodation is often of advantage. In the less densely populated parts of the country, a market town with the surrounding rural district, or the several sanitary districts comprised in one poor law union, may form a convenient area for the purpose of combined hospital provision. A hospital intended solely for small-pox may often with

advantage serve a larger area than a hospital for other infectious diseases. The modes by which local authorities may combine for the provision of hospitals are set forth in an office memorandum on "Isolation Hospitals," which may be obtained on application, for the guidance of local authorities desirous of such combination or of establishing hospitals under the sanction of the Minister of Health.

Size of Hospital in proportion to population.—The amount of permanent isolation hospital accommodation which should be provided in proportion to the population will depend upon various considerations, among the most important of which are the character of the district, whether urban or rural; the rate of increase of population; the housing and the habits of the people; and the amount of intercourse with other places from which infectious disease may be introduced. As a rough estimate, one bed for every thousand inhabitants is sometimes adopted, but in view of the diverse circumstances of different districts this cannot be regarded as a definite standard. Moreover, the sufficiency of the hospital accommodation will depend not merely upon the aggregate number of beds, but also upon the way in which they are arranged in wards. In a single block with wards connected together only one disease can safely be treated at a time; and thus, at a hospital containing only one such block, occasions may arise when, owing to the hospital being partly occupied by one disease, a case of a second disease requiring isolation cannot safely be taken in, although there may be a number of beds empty at the time.

It is common to find that the demand for hospital accommodation, when people have come to appreciate the benefits of its use, increases far beyond what was at first anticipated; and for this reason, as well as to allow for growth of the population and for the possible need for temporary extensions during epidemics, it is well at the outset to provide for the contingency of future enlargement.

Site.—In selecting a site for an isolation hospital the following considerations should be had in view. It should be convenient of access, and, as far as practicable, central for the population and area which it is to serve; but of course not in a very populous neighbourhood. (In the case of hospitals in which small-pox is intended to be received the choice of site must be specially governed by considerations as to the number of inhabitants in the neighbourhood, which will be referred to later on.) It will be of much convenience if sewers and a public water service are available; but, if not, a sufficient supply of wholesome water must be provided, and adequate arrangements will have to be made for the treatment of the sewage, due care being taken to avoid pollution of any well or spring or of any river. The site should be in a healthy and open situation with a dry subsoil, and should be preferably of a compact and regular shape, and not too steep. Its area will depend upon the size of the hospital, and, except in the case of a very small hospital, should rarely be less than two acres; indeed it is well to obtain a larger site than may at first be required, in order to afford space for subsequent extension if necessary. More land, too, will be needed if the sewage has to be disposed of on the site. *The site, or so much of it as is to form the grounds of the hospital, should be enclosed by a wall or close fence at least* 6 *feet* 6 *inches in height, and every building which*

is to contain infected persons or things should be at least 40 *feet distant from the boundary.**

Hospital buildings.—These should be of three classes, viz., 1st, ward-blocks for the reception of the sick; 2nd, administration-block for the housing of the staff and stores; and 3rd, out-offices, as laundry and mortuary. In hospitals for permanent use these buildings should be of brick or stone. Temporary buildings, as, for instance, buildings constructed of wood or corrugated iron, are ill-suited for permanent use as hospitals, for the reason that it is difficult to maintain them at a proper temperature during extremes of hot and cold weather; moreover, they are less durable than brick or stone buildings, requiring more frequent repairs in order to keep them in a properly weather-proof condition, and they are liable to be destroyed by fire and storm. *It is not the practice of the Minister of Health in ordinary cases to sanction loans for iron hospitals or for hospital buildings of temporary character.*

Existing buildings originally designed for a different purpose, such as dwelling-houses, even when of large size, are rarely found to be well adapted for the reception of patients; especially for the accommodation at one time of patients suffering from different infectious diseases. An existing house, however, may sometimes serve as the administration-block, if it has sufficient land attached on which to erect war-blocks.

The *administration-block*, which should be kept free from patients and infected articles, should be so placed as to control the entrance to the hospital grounds, unless a porter's lodge is intended to be erected. It should contain quarters for the matron or caretaker, and a sufficient number of bedrooms for the nurses and servants who will be required to work the hospital when in full operation; also a nurses' sitting-room; a kitchen (preferably in a one-storey projection with top ventilation), store-rooms, dispensary, etc. In hospitals of considerable size quarters for a resident medical officer will also be necessary. It is well to provide in the administration-block accommodation on a scale somewhat in excess of what may be at first required, in order that it may be available for future extensions of the hospital, temporary or permanent; but in any case the block should be so planned that it can be easily enlarged in the future if necessary.

The *ward-blocks* should be one-storey buildings, unless where in exceptional cases or at large hospitals exigencies of space may render it necessary to construct blocks of two storeys; in such case each storey should have a separate entrance from the open air. The annexed plans † illustrate two different types of ward-block suitable for small or moderate sized hospitals. The type illustrated in plan B † is the more advantageous, as regard both cost of construction and convenience of administration, where a number of patients of both sexes suffering from the same disease have to be treated at one time. The number of beds in each ward will vary with the requirements of

* If desired, an open unclimbable railing may be substituted for a wall or close fence for so much of the boundary as is within supervision and control from the administration block or porter's lodge, as between the points X–X on the annexed block plan A, but in that case a second line of unclimbable fence should be constructed within the first, as indicated on the plan. In very unfrequented situations a stout hedge or shrubbery between two rows of barbed wire fencing or unclimbable iron railing may sometimes suffice in place of a wall or close fence,

† See note at end.

the district, and it is usually found desirable to make one ward rather larger than the other, as indicated on the plan,* in order that young children of both sexes may be treated in the women's ward. The space in the centre of the block over the nurses' duty room and entrance-hall (the height of which need not be so great as that of the wards) is sometimes utilised as a day-room for convalescent patients.

Single-bed wards in connection with a block of the type of plan B * are sometimes found useful for the segregation of a case of the same disease as that treated at the same time in the main wards, but small wards so situated cannot be safely used for patients with a different disease, or for cases of which the nature is still doubtful. A convenient position for such single-bed wards is indicated on the plan.

Plan C * shows an Observation (Cubicle) Block intended to provide isolation accommodation for single cases of infectious diseases other than smallpox, for cases of mixed infection, or for cases of doubtful diagnosis. This block is arranged in such a way that one nurse may, assuming that rigid precautions are taken, attend to more than one such case. The plan indicates a floor space of 12 feet by 12 feet, but the Department are prepared to accept a floor space of 12 feet by 10 feet.

For very large hospitals other types of ward may be found of advantage.

In the ward-blocks (except cubicle-blocks †) of hospitals for infectious diseases other than small-pox, each bed must have at least 12 *linear feet of wall space,* 144 *square feet of floor space, and* 1,872 *cubic feet of air space. In the case of small-pox hospitals, however, a minimum air space of* 2,000 *cubic feet per bed is required, and this space must be obtained by increasing the floor space per bed, since any height of wards above* 13 *feet should not be taken into account.* The walls should be of adequate thickness; and the inner face of the walls as well as the floors and woodwork should be constructed with smooth impervious surfaces and rounded angles, so as to facilitate cleanliness and to avoid spaces which may harbour dust and dirt. Ventilation should be by windows on opposite sides of the ward; the windows should be double-hung sashes with fanlight above, and the fanlight should be made to fall inwards, hopper-fashion, with side cheeks to prevent down draughts. The area of the windows should be sufficient but not excessive; one square foot of window to every 70 cubic feet of ward space is a suitable proportion. The best aspect for the ward-blocks is usually with the windows facing respectively south-east and north-west. The wards should have adequate means of warming, which may with advantage be so contrived as to furnish a supply of warm fresh air. An ample supply of hot water for baths should be provided, and bath-rooms should be capable of being warmed. The closets and slop-sinks should be placed in annexes separated from the wards by cross-ventilated lobbies. The closets should be water-closets where practicable; and the slop-sinks should be of an appropriate pattern adapted to receive the solid and liquid contents of bed-pans, the waste-pipe being 3 inches in diameter and arranged similarly to the soil pipe of a water-closet.

The *out-offices* will comprise such buildings as laundry, disinfecting-chamber, mortuary and ambulance-shed; and in large establish-

* See note at end.

† Smaller dimensions are permitted in the case of the wards of cubicle-blocks (Plan C) in view of the total separation of individual patients.

ments a boiler-house and engine-house may be needed. Except in very small hospitals, the laundry should comprise a wash-house, a drying-closet, and an ironing-room. An apparatus should be provided for the disinfection by steam of bedding and articles which cannot be washed. The mortuary should be in a cool and unobtrusive position, and should be lighted from the north only.

A discharging-block is not infrequently provided, consisting of an undressing-room, a bath-room, and a dressing-room, in which convalescents may take their final bath and put on clean clothes before leaving the hospital.

Each building which is to contain infected persons or things should be at least 40 *feet distant from any of the other buildings.*

The annexed block plan A illustrates the arrangement upon a rectangular site of about 2 acres of a hospital containing 16 beds, in two ward-blocks with administration-block and out-offices ; space being also reserved for future extensions. The best arrangement of the buildings will, however, in practice largely depend upon the shape and contour of the site.

If, owing to the bleakness of the site, it is considered desirable that the several blocks should be connected by covered ways, these should not be enclosed, but should be open at the sides. A screen for protection against wind and driving rain may be provided if desired.

Hospitals for Small-pox.—In view of the frequently demonstrated liability of small-pox hospitals to disseminate that disease to neighbouring communities, and in order to lessen the risk of such occurrence, the Department require the following conditions to be complied with in the case of small-pox hospitals provided by means of loans sanctioned by them :—

1st. *The site must not have within a quarter of a mile of it either a hospital, whether for infectious diseases or not, or a Poor Law institution, asylum, or any similar establishment, or a population of as many as* 200 *persons.*

2nd. *The site must not have within half a mile of it a population of as many as* 600 *persons, whether in one or more institutions, or in dwelling-houses.*

3rd. *Even where the above conditions are fulfilled, a hospital must not be used at one and the same time for the reception of cases of small-pox and of any other class of disease.*

MINISTRY OF HEALTH,
January, 1924.

Copies of this Memorandum (including the plans referred to) are obtainable from usual sources, price 6*d.*

SECOND INTERIM REPORT OF VOLUNTARY HOSPITALS COMMISSION.

To the Rt. Hon. John Wheatley, M.P.

SIR,—Having completed the distribution of the Government grant of £500,000 to the voluntary hospitals in Great Britain on the 31st March, we have the honour to submit a brief report giving particulars of the distribution and our observations thereon. The present Report should be read in continuation of our Interim Report of 22nd February, 1923. Since the submission of our last Report,

we deeply regret that we have lost, through the untimely death of Sir Napier Burnett, a colleague whose wide knowledge and acute judgment were of invaluable service to the Commission.

I.—COMPLETION OF THE DISTRIBUTION OF THE GRANT.

The disbursement of the grant has proceeded in three stages :—

(1) The first distribution was made in respect of deficits on current maintenance account for the year ending 31st December, 1921.

(2) There followed a supplementary distribution in respect of accumulated deficits.

(3) A small balance thereafter remaining in the Commission's hands was the subject of a final distribution.

We will proceed to give particulars under these three heads :—

(1) In our Interim Report of the 22nd February, 1923, we furnished a statement of the distribution of the grant up to the 31st December, 1922. The amount distributed up to that date was as follows :—

London.	England and Wales.	Scotland.		Total.
£225,000	£145,218	£1,795	=	£372,013.

This allocation was in respect of the deficits on the maintenance account for the year ending 31st December, 1921. The distribution of grants in respect of 1921 deficits was completed by the 31st March, 1923, the final figures being as follows :—

London.	England and Wales.	Scotland.		Total.
£225,000	£194,242	£7,411	=	£426,653.

Thus there remained in the Commission's hands a sum of £73,347.

(2) This sum of £73,347 was the subject of a supplementary distribution, and as foreshadowed in paragraph 10 of our first Interim Report, the purpose of this distribution was to assist the hospitals with serious accumulated deficits. A sum of £45,758 was allocated to England and Wales and £27,589 to Scotland. This apportionment was designed to secure that the total amounts allocated to England and Wales and Scotland should be as nearly as possible proportionate to the relative deficits as disclosed in the Report of Lord Cave's Committee. The sums of £45,758 and £27,589 were provisionally apportioned among the various local committee areas, the basis of the apportionment being a percentage of the accumulated deficits of the hospitals in the area as reported to Lord Cave's Committee. The amount available for the supplementary distribution permitted the allocation in England and Wales of a sum approximating to 10 per cent. of the accumulated deficits in 1920 in each area. In the case of Scotland, it amounted to nearly 40 per cent. of the 1920 deficits. The local committees were asked to submit proposals for distributing the sum allocated to their area among the hospitals within it, and they were also urged to raise county funds, in order to facilitate compliance with the Treasury condition as to new money.

The committees were informed that in this distribution prior consideration should be given to (*a*) hospitals which made special efforts in 1921 and thereby failed to qualify for a grant in respect of any deficit on that year's account, but had none the less been

unable to reduce their accumulated deficit; and (*b*) hospitals which in spite of special efforts had not been able to raise sufficient new money to earn grants conditionally promised to them. In this connection, the Commission notified the local committees of any hospitals which in the course of the first distribution had been noted as deserving further consideration.

The local committees were also advised that in assessing the claims of hospitals whose needs were otherwise of more or less equal urgency, they could recommend, if they saw fit, that preference should be given to hospitals which had suffered in a marked degree during 1922 as a result of abnormal industrial conditions in the district. To enable the Commission to deal with such cases we secured an amendment of the Treasury terms and conditions. Copy of these supplementary provisions will be found in Appendix I.

The supplementary distribution proceeded until the latter part of 1923, and the total sums distributed were as follows :—

England and Wales £38,937, leaving a balance of £6,821.
Scotland £17,544, leaving a balance of £10,045.

(3) The Commission thus had at their disposal a sum of £16,866 for final distribution, and decided that this comparatively limited sum should be distributed so far as possible to assist hospitals which were in acute financial difficulties, but for various reasons had been unable to receive an adequate measure of assistance from the Government grant.

We, therefore, decided in the first instance to allocate grants to certain hospitals which fell within the following categories :—

(*a*) A number of hospitals showed a heavy accumulated deficit, which had not been met to any considerable extent since the previous supplementary grants were based on 10 per cent. of the 1920 deficits. The hardship in the cases included in this group arose from the fact that these hospitals, already heavily burdened in 1920, received practically no assistance in the first distribution of grant, which was made in respect of 1921 deficits. This arose from a variety of causes. In some cases the hospitals showed a surplus or a small deficit in 1921, either as the result of special efforts or of special legacies. In other cases they received no grant because no application was made in respect of 1921. In addition, there were certain cases which were specially noted for further consideration but which the local committee had not previously recommended for further assistance.

(*b*) There were some cases where the hospitals in a bad financial position had been unable to earn a grant through inability to comply with the new money regulation. In this group also there were some hospitals noted specially for further consideration but not previously recommended by the local committee for further assistance.

(*c*) A few cases occurred in which a special effort or special legacy in 1921 produced so large a surplus that the hospital had not been able to receive *any* grant in respect of 1921 or of 1920.

(*d*) There were three hospitals with closed beds.

In the second place, we allocated small additional grants to

certain of the larger key hospitals with over 200 beds which had been noted as having particularly heavy accumulated deficits.

This final distribution was facilitated by a special concession granted by the Treasury. Under an amending regulation we were given a discretion to waive the condition as to "new money" in exceptionally hard cases, and this enabled us to make grants in a few deserving cases which could not otherwise have been assisted. The sum distributed, however, without requiring the equivalent amount of new money to be raised, was only between six or seven thousand pounds. The total amount disbursed in this final distribution was £10,046 in England and Wales and £6,820 in Scotland.

(4) The following is a summary of the disbursement of the grant :—

	London.	England and Wales.	Scotland.
Original	£225,000	£194,242	£7,411
Supplementary ..	—	38,937	17,544
Final	—	10,046	6,820
	£225,000	£243,225	£31,775

London	£225,000
England and Wales	243,225
Scotland	31,775
	£500,000

A complete detailed list of all the grants paid to the hospitals outside the London area will be found in Appendix II. Details of the grants made in the distribution of the £225,000 allocated to the hospitals in the London area were given in Appendices IV, V and VI to our previous Report.

II.—EFFECT OF THE DISTRIBUTION OF THE GRANT.

There is no doubt that this grant, coming at a time when the after-effects of the war were imposing an intolerable strain upon the voluntary system, both directly and indirectly has produced results of great value. The grants have in many cases prevented the closing of beds, and, in others, have led to their re-opening. Indeed, in more than one case we made it a condition of our grant that certain closed beds should be re-opened.

The condition that the Government grant should be payable on a pound for pound basis against new money raised from voluntary sources has had an important effect upon the flow of voluntary subscriptions. When a Government grant was first proposed there were in many quarters apprehensions that assistance from public funds might react prejudicially upon voluntary effort and the flow of voluntary contributions. Our experience has happily not confirmed those misgivings. As indicated above, there have been very few cases in which the hospitals have in fact failed to raise the additional new money required to earn grant. Moreover, the inception of schemes for raising new money in order to earn the Government grant has undoubtedly quickened interest in the possibilities

of developing fresh methods by which income can be raised from voluntary sources and of widening the area from which contributions can be derived. We believe that this will have a lasting effect on the financial position of voluntary hospitals.

The distribution of the grant necessitated the establishment of local machinery which, in our opinion, will prove to be of permanent value to the voluntary hospitals: we refer to the local voluntary hospital committees. In most of the areas these committees have rendered valuable assistance to the voluntary hospitals. They have assisted in organising and co-ordinating the raising of funds, and have secured, *inter alia*, the adoption of a uniform system of accounts. Some of the committees have issued valuable reports in which they have envisaged the hospital needs of their area as a whole and have indicated the possibilities of co-operation between the institutions in the area.

III.—PRESENT FINANCIAL POSITION.

We indicated in paragraph 19 of our first Interim Report that the income of the hospitals has been well maintained in spite of unemployment and heavy taxation. Our experience since we submitted that report confirms this view; and there is substantial ground for the hope that the voluntary hospitals will, for the most part, be able to balance their budgets. They are actively exploring the possibilities of securing additional income and in general the deficits appear to be decreasing. In some instances the recovery has been astonishingly rapid, and the situation as a whole is decidedly more hopeful than we had any reason to anticipate when we began our work. We believe that the recovery of the voluntary hospitals will continue, and that their financial position is approaching a more stable and satisfactory condition.

There remains, however, the problem to which we drew attention at the conclusion of our last Report, namely, the question of the provision of additional accommodation. There can be no doubt that this is the most serious question with which the voluntary hospitals are confronted. As a result of recent questions in the House of Commons, we have been asked by the Minister of Health to undertake an inquiry into the need for additional voluntary hospital accommodation and the best means of providing and maintaining it. Having completed the distribution of the grant, we are now directing our attention to this new and important inquiry. Until we are able to report on our new reference, we propose to reserve further comment on the financial position of the voluntary hospitals, and upon such questions as the future of the local voluntary hospital committees and of the Commission itself. There is no doubt that the local committees will play an important part in the conduct of this inquiry, and on June 18th we convened a conference of representatives of the local committees, at which we secured a most valuable interchange of views upon the procedure to be followed in the investigation.

* * * * * *

APPENDICES.

* * * * * *

VOLUNTARY HOSPITALS COMMISSION: CONFERENCE.

A conference took place on 18th June between the Voluntary Hospitals Commission and representatives of the Local Voluntary Hospitals Committees. A Report of the proceedings was published by H.M. Stationery Office (Cmn. 15).

Lord Onslow, as chairman of the Conference, explained how the Government grant of £500,000 towards meeting deficits on the maintenance of voluntary hospitals had been distributed. Of this sum, £220,000 went to London, £240,000 to the remainder of England and Wales, and the balance to Scotland.

The Voluntary Hospitals Commission and the local hospital committees were formed in pursuance of recommendations made by the Hospitals Committee over which Lord Cave presided. The Government entrusted the Commission with the distribution of the above-mentioned grant, but, further, requested them "to inquire into and report upon the extent of the additional voluntary hospital accommodation required in England and Wales, and the best means of providing and maintaining it."

The financial position of the voluntary hospitals is apparently improving. The chairman stated that there are now scarcely any hospitals that have closed beds. Forty-five local committees are at present functioning in England and Wales.

Referring to the question of contributions to hospitals from the approved societies, it was stated that practically all these societies do, in fact, subscribe to the hospital funds, and that their yearly contributions in this behalf amount to £200,000.

Lord Cave, in addressing the Conference, urged the local committees to take a wide view and consider not only what the hospitals want in the way of further beds, but what the country wants in the way of further hospital accommodation. He referred also to the need for some scheme of co-operation with the municipal hospitals and public infirmaries. "It is a fact that there are great public hospitals where, perhaps, not much more than 50 per cent. of the beds are in use."

The representative of the Sheffield local committee urged that local authorities should subscribe to the hospitals in respect of the possible benefits to their staff, in the same way that employers of labour in Sheffield—so it was stated—now contribute to the hospitals in respect of their employees. It was pointed out, however, by the chairman, that a legal difficulty arises here. It is true the local authority have power under Sect. 131 of the Public Health Act, 1875, to enter into agreements with hospital managers for the reception of the sick inhabitants of the authority's district, on payment of such annual or other sum as may be arranged. But apparently local authorities cannot subscribe, save under special powers in local Acts, to hospitals in respect of their employees, unless it has been arranged with the employees that the proposed subscriptions are paid on their behalf and as part of their earnings.

IV.—DEPARTMENTAL DECISIONS.

Subscription to Ambulance Brigade.

If a district council are able to make arrangements with an ambulance brigade by which they secure, in consideration of a payment, the use of the ambulance when required, this may be regarded as the provision of an ambulance within the meaning of Sect. 50 of the Public Health Acts Amendment Act, 1907. This view was communicated to a district council by the Ministry of Health.

HOUSING.

See also "CONTRACTS"; "DISTRICT COUNCILS."

I.—STATUTES.

PREVENTION OF EVICTION ACT, 1924. 14 & 15 Geo. 5, c. 18.

[14th July 1924.]

1. Paragraphs (iv) and (v) of subsection (1) of the section which by section four of the Rent and Mortgage Interest Restrictions Act, 1923 (*a*), is substituted for section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (*b*), are hereby repealed as respects pending as well as future proceedings, and the following paragraph shall be substituted therefor (*c*):

(iv) Where the dwelling-house is reasonably required by the landlord (not being a landlord who has become landlord by purchasing the dwelling-house or any interest therein after the fifth day of May (*d*), nineteen hundred and twenty-four) for occupation as a residence for himself or for any son or daughter of his over eighteen years of age and the court is satisfied, having regard to all the circumstances of the case, including any alternative accommodation available for the

(*a*) See "Local Government, 1923," p. 215.

(*b*) See "Local Government, 1920," p. 249.

(*c*) Under the repealed paragraph (iv) where a landlord, who became so before June 30, 1922, required possession for himself or for any child over 18, it was unnecessary to show alternative accommodation, and the Court had only to consider the reasonableness of making an order. Under the repealed paragraph (v), where the landlord became so on or after June 30, 1922, the Court had in addition to be satisfied that greater hardship would be caused by refusing to grant an order than by making it. The present Act makes it more difficult for landlords to obtain possession, for now where a landlord became so after May 5, 1924, alternative accommodation must be proved, and even where he became landlord before that date the Court must take into consideration the existence or otherwise of alternative accommodation both for landlord and tenant in determining the question of greater hardship.

(*d*) May 5, 1924, was the date of the third reading in the House of Commons of this Act.

landlord or the tenant, that greater hardship (*e*) would be caused by refusing to grant an order or judgment for possession than by granting it.

2.—(1) Where any order or judgment has been made or given before the passing of this Act (*f*) but not executed (*g*), and in the opinion of the court the order or judgment would not have been made or given if this Act had been in force at the time when such order or judgment was made or given, the court, on application by the tenant, may (*h*) rescind or vary the order or judgment in such manner and subject to such conditions as the court shall think fit for the purpose of giving effect to this Act.

(2) Where a landlord has, on or after the fifteenth day of April, nineteen hundred and twenty-four, taken possession of a dwelling-house under a judgment or order so rescinded as aforesaid (*i*), such possession shall not in any case exclude the dwelling-house from the operation of the Rent and Mortgage Interest (Restrictions) Acts, 1920 and 1923 (*k*).

3. This Act may be cited as the Prevention of Eviction Act, 1924, and shall be construed as one with the Rent and Mortgage Interest (Restrictions) Acts, 1920 and 1923 (*l*), and those Acts and this Act may be cited together as the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1924.

HOUSING (FINANCIAL PROVISIONS) ACT, 1924. 14 & 15 Geo. 5, c. 35.

[7th August 1924.]

NOTE.—The provisions of this Act are fully explained in the Circular of the Ministry of Health of 20th August, 1924. This Circular is reproduced below, pages 177–205.

1.—(1) Subject to the provisions of this Act, sections one and three of the Housing, &c. Act, 1923 (which relate to contributions by the Minister of Health to the expenses of local authorities in assisting the construction of houses and to the expenses of public utility societies

(*e*) For a discussion of greater hardship, see *Dowling* v. *Butler*, 54 Ir. L. T. 199, and *Cruise* v. *Terrell*, [1922] 1 K. B. 664.

(*f*) July 14, 1924.

(*g*) See note (*i*), *infra*.

(*h*) The power to rescind or vary is discretionary and, *semble*, may therefore be exercised subject to conditions.

(*i*) S. 2, sub-s. (1), gives no power to rescind an order where it has been executed. Accordingly, if a landlord is in possession by virtue of an execution sub-s. (2) would seem to have no effect. The only case to which sub-s. (2) applies seems to be where a landlord has obtained an order and has taken possession on or after April 15, 1924, without the necessity for an execution. The original Bill before amendment in the House of Lords gave power by s. 2, sub-s. (1), to rescind orders, even though they had been executed, unless executed before April 15, 1924. Possibly sub-s. (2) was left unamended by a legislative error.

(*k*) See s. 2 of the Rent and Mortgage Interest Restrictions Act, 1923.

(*l*) *I.e.* the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, the Increase of Rent and Mortgage Interest Restriction (Continuance) Act, 1923, the Rent Restrictions (Notices of Increase) Act, 1923, and the Rent and Mortgage Interest Restrictions Act, 1923.

and other bodies in building houses), shall extend to houses which are provided in pursuance of proposals approved by the Minister and are completed before the first day of October, nineteen hundred and thirty-nine, and so much of that Act as limits the operation of those sections to houses completed before the first day of October, nineteen hundred and twenty-five, or the first day of June, nineteen hundred and twenty-six, shall cease to have effect.

(2) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section one of the Housing, &c. Act, 1923:—

"(*b*) towards any expenses incurred by the local authority in the provision of such houses by the local authority themselves."

Where a local authority purchase any such houses as are referred to in the said paragraph for the purposes of Part III. of the Housing of the Working Classes Act, 1890, the houses shall not be treated as houses provided by the local authority themselves within the meaning of the said Act of 1923 or this Act if the houses are houses which have been completed before the passing of this Act or have been occupied prior to the purchase.

2.—(1) Where, in pursuance of proposals approved by the Minister after the passing of this Act, any houses are provided by a local authority themselves or by a society, body of trustees or company within the meaning of section three of the said Act, or expenses are incurred by a local authority in promoting the construction of any houses in accordance with section two of the said Act as amended by this Act, then, if the houses are subject to special conditions as hereinafter provided in this Act, the contribution which the Minister may make or undertake to make in respect of each such house, instead of being a contribution of six pounds payable annually for a period of twenty years—

(*a*) shall be a contribution of nine pounds or, if the house is situated in an agricultural parish, twelve pounds ten shillings; and

(*b*) shall be payable annually for a period of forty years;

and the said Act shall have effect accordingly.

Provided that, where the contributions are made towards expenses incurred by a local authority in promoting the construction of houses in accordance with section two of the said Act as amended by this Act, the said Act in its application to any of those houses shall have effect with the following modifications, namely:—

(i) in the provision in subsection (1) of section one which requires that a contribution shall be reduced in certain contingencies, nine pounds, or in the case of a house situated in an agricultural parish twelve pounds ten shillings, shall be substituted for six pounds, and forty years shall be substituted for twenty years:

(ii) Paragraph (*a*) of subsection (3) of section two shall not apply, and the following paragraph shall be substituted for paragraph (*b*) of the said subsection:

"(*b*) Undertake to pay such annual sum as may be specified in the proposals for a period not exceeding forty years to the person for the time being in receipt of the rent payable by a tenant to whom the house is let, or, in the case of a house not so let, to the person by whom the rates on the house are payable."

Provided also that in any case where proposals are submitted to the Minister which, in consequence of the adoption of new materials or new methods of construction, involve a reduction in the estimated annual expenses to be incurred in connection with each house substantially greater than the equivalent of four pounds ten shillings per annum for forty years, the Minister may reduce the contribution by such amount as he shall think just and reasonable, but so nevertheless that the contribution shall not be reduced to such an extent as to leave any part of such estimated annual expenses to be borne by the local rate or by the said society, body of trustees, or company, as the case may be.

(2) For the purposes of this Act, a house shall be deemed to be situated in an agricultural parish if at the beginning of the financial year in which the proposal for the provision of the house is approved by the Minister—

(*a*) the net annual value of the agricultural land in the parish in which the house is situated, as shown in the county rate basis then in force, exceeds twenty-five per cent. of the total net annual value of that parish as shown in the same basis (the value of all property in the occupation of the Crown being taken into account); and

(*b*) the population of the parish according to the last published census return of the Registrar-General, is less than fifty persons per hundred acres.

Any question as to whether a parish is or is not an agricultural parish within the meaning of this subsection shall be determined by the Minister, whose decision shall be final.

(3) In the case of any houses situated in an agricultural parish which are provided by a county council or any such board or body as is mentioned in subsection (3) of section eight of the Housing, Town Planning, etc. Act, 1919, for persons in their employment or paid by them or by a statutory committee, this section shall apply in like manner as it applies in the case of houses not situated in an agricultural parish.

(4) Houses provided in pursuance of proposals approved by the Minister before the passing of this Act, if the contract for the construction of the houses was entered into or, in the case of houses constructed otherwise than under contract, the construction was begun after the first day of February, nineteen hundred and twenty-four, may, for the purposes of this section, if the Minister so directs, be treated as if the approval had been given after the passing of this Act, notwithstanding that the houses do not comply in every respect with the conditions imposed by or under this Act.

(5) Where, in pursuance of proposals approved by the Minister under this Act, houses are provided by the common council of the city of London or by a metropolitan borough council, the London County Council may, in respect of any such house which is subject to special conditions, supplement any contribution made by the Minister in respect of such house to an extent not exceeding two pounds five shillings, payable annually for a period not exceeding forty years, and for the purposes of paragraph (*e*) of subsection (1) of section three of this Act the amount of any such supplemental contribution shall be treated as if it were part of the expenses borne by the local rate in the city or borough.

3.—(1) Houses provided by a local authority themselves shall be deemed to be subject to special conditions if the local authority undertake, in accordance with rules made by the Minister and approved by the Treasury, that the following conditions will be complied with in relation to the houses:—

(*a*) that, subject to the following conditions, the houses shall be let by the local authority for occupation to tenants who intend to reside therein:

(*b*) that it shall be a term of every such letting that the tenant shall not assign, sublet, or otherwise part with the possession of the house, or any part thereof, except with the consent in writing of the local authority or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, subletting, or other transaction;

(*c*) that if the local authority desire to sell or (save by such lettings as aforesaid) otherwise dispose of the houses the sale or disposal shall not be effected except upon and subject to such stipulations, if any, as the Minister thinks proper, for the reduction of the amount or the curtailment of the duration of any contribution payable by the Minister in respect of the house, or for both reduction and curtailment, but so nevertheless that the contribution in respect of any house sold before the expiration of a period of twenty years from the date when that contribution first became payable shall not be reduced by more than three pounds or, in the case of a house in an agricultural parish, by more than six pounds ten shillings, and the duration thereof shall not be curtailed by more than twenty years;

(*d*) that a fair wages clause which complies with the requirements of any resolution of the House of Commons applicable to contracts of Government departments and for the time being in force shall be inserted in all contracts for the construction of the houses;

(*e*) that the rents charged in respect of the houses shall not in the aggregate exceed the total amount of the rents that would be

payable if the houses were let at the appropriate normal rents charged in respect of working-class houses erected prior to the third day of August, nineteen hundred and fourteen, except where the estimated annual expenses to be incurred in connection with the houses exceed, so far as the same are borne by the local rate, an amount equivalent to four pounds ten shillings a year payable for a period of forty years for each house and then only to the extent of such excess; and that no fine, premium or other like sum shall be taken in addition to the rent; and

(*f*) that reasonable preference shall be given to large families in letting the houses.

(2) Houses provided by a society, body of trustees or company within the meaning of section three of the Housing, &c. Act, 1923, and houses, the construction of which is promoted by a local authority in accordance with section two of the said Act, as amended by this Act, shall be deemed to be subject to special conditions if the society, body of trustees or company, in the case of the houses provided by them, and the local authority in the case of the other houses undertake, in accordance with rules made by the Minister and approved by the Treasury, that the following conditions will be complied with in relation to the houses:—

(*a*) that the houses shall be let for occupation to tenants who intend to reside therein;

(*b*) that it shall be a term of every such letting that the tenant shall not assign, sub-let, or otherwise part with the possession of the house, or any part thereof, except with the consent in writing of the society, body of trustees, or company in the case of the houses provided by them, or of the local authority or some person authorised by them in that behalf in the case of the other houses, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, sub-letting, or other transaction;

(*c*) that no house shall be sold or (save by such lettings as aforesaid) otherwise disposed of except with the consent of the Minister, which may be absolute or subject to such reasonable stipulations as the Minister thinks proper, including, if the Minister thinks fit, stipulations for the reduction of the amount or the curtailment of the duration of any contribution payable by the Minister in respect of the house, or for both reduction and curtailment, but so nevertheless that the contribution in respect of any house sold before the expiration of a period of twenty years from the date when that contribution first became payable shall not be reduced by more than three pounds, or in the case of a house in an agricultural parish by more than six pounds ten shillings, and the duration thereof shall not be curtailed by more than twenty years;

(*d*) that a fair wage clause which complies with the requirements

of any resolution of the House of Commons applicable to contracts of Government departments and for the time being in force shall be inserted in all contracts for the construction of houses; and

(*e*) that the rent charged in respect of any house shall not exceed the appropriate normal rent together with a sum equivalent to the average excess, if any, above the appropriate normal rent which can be charged by the local authority in accordance with this section in the case of houses provided by the local authority themselves, and that no fine, premium or other like sum shall be taken in addition to the rent.

(3) For the purposes of this section, the appropriate normal rent shall be deemed to be such rent, exclusive of rates, as the local authority determine, in accordance with rules made by the Minister, to be the rent that is normally charged in the area of the local authority in the case of working-class houses erected prior to the third day of August, nineteen hundred and fourteen: Provided that different rents may be so determined to be the appropriate normal rents as respects different classes of houses and as respects different parts of the area.

Every rule made under this section shall be laid before both Houses of Parliament forthwith; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule is laid praying that the rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new rule.

(4) If at any time it is shown to the satisfaction of the Minister that any undertaking given under this section, or that any of the special conditions to which a house is subject under this section has not been complied with, any contribution payable in respect of the house may be discontinued or the amount thereof may be reduced, and the duration thereof may be curtailed, according as the Minister thinks proper.

4.—(1) Subject as hereinafter provided, the Minister and the Scottish Board of Health may jointly make an order under this section declaring that no contributions shall be made by the Minister or Board in respect of any houses which have not been completed before the date specified in the order.

(2) The Minister and Board may make an order under this section in either of the following cases:—

(*a*) if, in the year nineteen hundred and twenty-seven, or in any third succeeding year, the Minister and Board are satisfied that the total number of houses which have been completed in the two years last preceding and in respect of which contributions are payable, is less than two-thirds of the number set opposite to those two years in the First Schedule to this Act, whether the deficiency is due to the absence of adequate arrangements for the necessary increase in the supply of labour (including any necessary augmentation of

the number of apprentices employed) or for the necessary increase in the supply of materials at reasonable prices, or for the obtaining of funds at reasonable rates of interest to finance the provision of houses, or arises from any other cause whatsoever;

(*b*) if, on a report made after due inquiry by a body of independent persons appointed by them, the Minister and Board are satisfied that the cost of erecting houses in respect of which contributions are payable has become unreasonable, regard being had to all the circumstances of the case and in particular to the question whether and how far any increase in the cost or any excessive charges are attributable to causes within the control of persons engaged whether as employers or workers in the building industry or in the manufacture or supply of building materials.

(3) When any such order has been made the Minister or Board shall not be liable to make or to undertake to make any contributions in respect of houses which have not been completed before the date specified in the order, other than a house which is completed not later than eight months after the specified date in respect of which the Minister or Board is satisfied that the failure to complete the house before the specified date was due to circumstances over which the local authority, person, or body constructing the house had no control.

5. In the year nineteen hundred and twenty-six, after the first day of October in that year and in each second succeeding year, after the first day of October in such year, the Minister and the Scottish Board of Health shall take into consideration the expenses which are likely to be incurred in the period of two years from such first day of October in connection with the provision of houses in respect of which contributions would be payable by the Minister or Board, due regard being had to the expenses actually incurred during the period of two years ending on that day for the like purposes, and after consultation with such associations of local authorities as appear to them to be concerned, and with any local authority with whom consultation appears to them to be desirable, may, if they think it expedient so to do, jointly make an order altering the amount of the contributions payable or the period for which such contributions are to be payable, so far as respects houses which have not been completed before the date specified in the order, but so, nevertheless, that the amounts and periods fixed by the order shall be such as may be approved by the Treasury and shall not exceed the respective amounts and periods fixed by the Housing, &c. Act, 1923, or (in the case of houses subject to special conditions) by this Act, unless Parliament otherwise determines.

An order under this section shall make such consequential alterations of any sums or periods mentioned in the financial provisions of the said Act or in this Act, including the sum of four pounds ten shillings mentioned in subsection (1) of section three of this Act, as appear to the Minister and Board to be necessary for the purpose of

adjusting the same to any alteration made by the order in the amount or duration of the contributions, and that Act and this Act shall have effect accordingly.

6. Before any order is made by the Minister and the Scottish Board of Health under this Act, a draft of the proposed order shall be laid before the Commons House of Parliament, and the order shall not be made unless and until a resolution is passed by that House approving of the draft.

7. It shall be the duty of a local authority on submitting proposals for the provision of houses for the purposes of this Act to satisfy the Minister—

(*a*) that they have taken into account the requirements of any town planning scheme likely to be made in respect of or in the neighbourhood of the area in which the houses are to be provided; and

(*b*) that the rate of density of the houses, ascertained in such manner as the Minister may determine, will not, except with the consent of the Minister, exceed eight per acre in an agricultural parish and twelve per acre elsewhere.

8. Where the Minister approves the proposals of a local authority in relation to the provision of houses in the area of another local authority, and any difference arises between those authorities with respect to the carrying out of the proposals such difference may be referred by either authority to the Minister whose decision shall be final and binding on the respective authorities.

9. In any case where the Minister certifies that a local authority has failed to take the necessary steps for promoting the construction of houses under the Housing, &c. Act, 1923, or this Act, the provisions of section three of the said Act of 1923 shall apply to persons willing to undertake or who have undertaken the construction of houses in the area of the local authority in like manner as they apply to the societies, bodies of trustees, and companies therein mentioned, and the provisions of this Act relative to such societies, bodies, and companies shall extend to those persons.

10.—(1) In approving proposals for the construction of houses under this Act the Minister shall not impose any condition which would prevent the materials required being purchased in the cheapest market at home or abroad or which would require the employment of any particular trade.

(2) If at any time it is shown to the satisfaction of the Minister that a local authority have, without reasonable cause, refused to adopt a new material or method of construction which in his opinion would reduce the cost of the house without unduly affecting its durability, suitability or appearance, the Minister shall require the adoption of the said new material or method of construction to be reconsidered for that purpose by the local authority, and, in the event of their failure without reasonable cause to adopt the same, shall make such deduction from

the amount of the contribution payable by him as in his opinion is reasonable having regard to the amount of the unnecessary expenditure so incurred by the local authority, but, for the purpose of paragraph (*e*) of subsection (1) of section three of this Act, the expenses of the local authority shall be calculated as if no such deduction had been made.

11. A local authority in carrying out any proposals approved by the Minister for the purposes of this Act shall have power to determine the number of houses which they will build in any particular period subject to the imposition of a maximum limit by the Minister, and should the local authority find it necessary to suspend building operations on the ground of excessive cost, or on any other reasonable ground, the suspension shall not be treated as a failure on the part of the local authority to fulfil their obligations as to the preparation of schemes under the Housing Acts or their obligations under any such schemes.

12.—(1) The powers conferred upon local authorities by section five of the Housing, &c. Act, 1923, may be exercised by a county council, and any expenses incurred by a county council thereunder shall be defrayed as expenses for general county purposes.

(2) The provisions of section eight of the Housing, Town Planning, &c. Act, 1919, so far as they relate to the borrowing of money by a county council, shall apply in the case of any money borrowed by a county council for any of the purposes aforesaid.

(3) Money borrowed by a county council under any powers conferred on them by the Housing Acts, 1890 to 1923, or this Act, shall not be reckoned as part of the total debt of the council for the purpose of any limitation on borrowing imposed by any Act of Parliament.

13. The amendments specified in the second column of the Second Schedule to this Act being minor amendments of the Housing, &c. Act, 1923, shall be made in the provisions of that Act specified in the first column of that Schedule.

14.—(1) The London County Council and the common council of the city of London or any metropolitan borough council may enter into agreements by which the common council or the metropolitan borough council may contribute such amounts as may be agreed, subject to the provisions of this Act, towards the provisions of houses by the county council within or without the county to meet any special needs of the common council or any such metropolitan borough council, and, for the purposes of paragraph (*e*) of subsection (1) of section three of this Act, the amount of any such contribution shall be treated as if it were part of the expenses borne by the county rate.

(2) In the case of houses provided by the London County Council within the area of any other local authority or houses the construction of which within such area is promoted by the London County Council the appropriate normal rent shall be determined by the Council instead of by the local authority of the area.

15. Any expenses incurred by the London County Council under

this Act and under section two of the Housing, &c. Act, 1923, as amended by this Act, shall be defrayed as expenses for general county purposes.

16. (Scotland.)

17. (Short title, etc.)

SCHEDULES.

FIRST SCHEDULE.

Years.	Number of Houses.
1925–1926	190,000
1928–1929	255,000
1931–1932	360,000
1934–1935	450,000

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING, &C. ACT, 1923.

Enactments to be Amended.	Nature of Amendment.
Section 1 (2)	After the words "fixed bath" there shall be inserted the words "in a bath-room."
Section 2 (5)	The words "house will be completed before the said first day of October, and that the other" shall be omitted.
Section 5 (1)	The words "at any time before the first day of October, nineteen hundred and twenty-six" shall be omitted.
Section 5 (1) (*b*)	After the word "advances" there shall be inserted the words "with interest thereon," and at the end of the paragraph there shall be inserted the words "whether such houses are within or without the area of the local authority."
Section 5 (3)	After the words "the same house" there shall be inserted the following words: "In the case of an advance for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes of the foregoing limitation shall, as respects any flat, be the estimated value of the flat."

FINANCE ACT, 1924.

14 & 15 Geo. 5, c. 21.

Repeal of Inhabited House Duty.

20. Inhabited house duty shall not be chargeable, in the case of Scotland, in respect of any year subsequent to the year ending on the twenty-fourth day of May, nineteen hundred and twenty-four, and elsewhere in respect of any year subsequent to the year 1923–24.

* * * * * *

Amendment as to Stamp Duty on Leases of Certain Dwelling Houses.

35. Paragraph (1) of the heading "Lease or Tack," in the First Schedule to the Stamp Act, 1891 (*a*) (which relates to the stamp duty on a lease or tack of any dwelling-house or part of a dwelling-house for a definite term not exceeding a year at a rent not exceeding the rate of ten pounds per annum), and paragraph (*a*) of subsection (1) of section seventy-eight of the said Act (which provides that the duty on any such lease or tack as is mentioned in the said paragraph (1) may be denoted by an adhesive stamp) shall have effect as though "forty pounds" were therein substituted for "ten pounds."

THE EXPIRING LAWS CONTINUANCE ACT, 1924. 15 Geo. 5, c. 1.

This Act continued until 31st December, 1925, Sect. 25 of the Housing, Town Planning, etc. Act, 1919, relating to buildings which contravene bye-laws.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 471.

HOUSING AUTHORITIES.

MINISTRY OF HEALTH,
17*th January*, 1924.

HOUSING, ETC., ACT, 1923.

SIR,—I am desired by H.M. Government to refer to the previous circulars issued in connection with the Housing Act, 1923, and to invite the special attention of the council to the wide powers con-

(*a*) Paragraph (1) of the heading "Lease or Tack" of Sched. I. of the Stamp Act, 1891, will now read as follows:—

"(1) For any definite term not exceeding a year:

	Duty. s. d.
of any dwelling-house or part of a dwelling-house at a rent not exceeding the rate of 40*l.* per annum - - -	0 1"

Para. (*a*) of s. 78, sub-s. (1), of the Stamp Act, 1891, will now read as follows:—

"78.—(1) The duty upon an instrument chargeable with duty as a lease or tack of—

"(*a*) any dwelling-house, or part of a dwelling-house, for a definite term not exceeding a year at a rent not exceeding the rate of (*ten*) forty pounds per annum, and upon the duplicate or counterpart of any such instrument may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is first executed,"

ferred upon local authorities of assisting persons to become the owners of their houses and builders to undertake the erection of houses by the grant of loans or by giving guarantees to building societies.

I observe with satisfaction that local authorities generally have been active in setting on foot under the recent Act schemes for the production of small houses by private enterprise with the help of subsidies. I am convinced that the work done in this direction, by assuring the revival of private enterprise in house building, will have far-reaching effect in re-establishing the supply of housing accommodation.

The Government, however, feel that up to the present full advantage has not been taken by local authorities of their powers of assisting the provision of houses by making advances to intending owner-occupiers or builders or by entering into arrangements for guaranteeing part of the advances of building societies. Although the total amount of loans sanctioned by me for the purpose of such advances is already considerably in excess of the total of all loans sanctioned under the Small Dwellings Acquisition Act, 1899, prior to the Act of 1923, the local authorities who have availed themselves of their powers in this respect are relatively few in number and many local authorities have limited themselves to the adoption of a scheme for the grant of subsidy.

May I urge upon all local authorities the importance of making the fullest possible use of these powers? There is, I am convinced, a desire on the part of many members of the working class to become the owners of their own houses, and as the facilities are in existence I should like to see them utilised to the utmost. The experience of those local authorities who have in the past made use of the powers of the Small Dwellings Acquisition Act has been uniformly satisfactory.

The adoption of simple and easily understood arrangements for the grant of loans to builders will also be of the greatest value in facilitating the rapid development of house production.

The various powers of local authorities in this matter are fully described in the Housing Act, 1923, and in Circular 388A which was issued on the 14th August last.

If your council have not already adopted a complete scheme for dealing with this aspect of the housing question, I trust that they will as soon as possible take the matter into consideration with a view to the formulation of proposals, and that they will take all practicable steps to make their intentions widely known in their district.

I should be grateful if you would inform me at an early date of the action taken by the council.

I am, Sir,

Your obedient Servant,

W. JOYNSON-HICKS,

Minister of Health.

S. R. AND O., 1924, No. 2.

THE HOUSING TRUSTS (FINANCIAL ASSISTANCE) AMENDMENT REGULATIONS, 1924, DATED 2ND JANUARY, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECT. 19 OF THE HOUSING, TOWN PLANNING, ETC. ACT, 1919, AND SECT. 6 OF THE HOUSING, ETC. ACT, 1923.

68,740.

The Minister of Health, in pursuance of the powers conferred on him by Sect. 19 of the Housing, Town Planning, etc. Act, 1919, and Sect. 6 of the Housing, etc. Act, 1923, and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Regulations :—

1. These Regulations may be cited as the Housing Trusts (Financial Assistance) Amendment Regulations, 1924, and shall be construed as one with the Housing Trusts (Financial Assistance) Regulations, 1919 (hereinafter referred to as " the principal Regulations ") the Housing Trusts (Financial Assistance) Regulations, 1920, and the Housing (Societies and Trusts) Amendment Regulations, 1921.

2. Paragraph (1) of Article 2 of the Housing Trusts (Financial Assistance) Regulations, 1920, is hereby revoked.

3. Paragraph (2) of Article II of the principal Regulations shall have effect as though for the words " the equivalent of thirty per cent. of the annual charges " there were substituted the words " the equivalent during the period ending on the thirty-first day of March, 1927, of fifty per cent., and thereafter of forty per cent. of the annual charges."

S. R. AND O., 1924, No. 3.

THE COUNTY COUNCILS (ASSISTED SCHEMES FOR THE HOUSING OF EMPLOYEES) AMENDMENT REGULATIONS, 1924, DATED 2ND JANUARY, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECT. 7 OF THE HOUSING, TOWN PLANNING, ETC. ACT, 1919, AND SECT. 6 OF THE HOUSING, ETC. ACT, 1923.

68,739.

The Minister of Health, in pursuance of the powers conferred on him by Sect. 7 of the Housing, Town Planning, etc. Act, 1919, and Sect. 6 of the Housing, etc. Act, 1923, and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Regulations :—

1. These Regulations may be cited as the County Councils (Assisted Schemes for the Housing of Employees) Amendment Regulations, 1924, and shall be construed as one with the County Councils (Assisted Schemes for the Housing of Employees) Regulations, 1920 (hereinafter referred to as " the Regulations of 1920 ").

2. Paragraph (2) of Article III of the Regulations of 1920 shall have effect as though for the words " and thereafter to thirty per centum of the annual charges " there were substituted the words " and thereafter to forty per centum of the annual charges."

WHEATLEY HOUSING ACT: ADVISORY COMMITTEE.

In pursuance of undertakings given when the Housing (Financial Provisions) Act of 1924 was before the House of Commons, the Minister of Health took steps to appoint committees of the building industry and of the manufacturers and suppliers of building materials to advise and assist him in carrying out the scheme embodied in the Act, particularly as regards the development and co-ordination of the supply of labour and materials for house building.

Representatives were nominated by Employers and by Operatives.

CIRCULAR 388b.

HOUSING AUTHORITIES.

MINISTRY OF HEALTH,
15th March, 1924.

HOUSING, ETC., ACT, 1923.

1.—DENSITY OF HOUSES.

SIR,—I am directed by the Minister of Health to refer to paragraph 8 of the Appendix to the Circular * issued from this Department on the 14th August, 1923 (Circular 388a). In this paragraph it was stated that it was not proposed to prescribe a maximum density of houses, but the opinion was expressed that a density of approximately 12 houses per acre represents a desirable standard, and that, as a general rule, a local authority should not approve the building of more than 20 houses on any one acre.

This question has now been further considered, and, while recognising the necessity of some elasticity in view of varying conditions in different districts, the Minister desires that in future the local authority should submit for his approval any case in which it is proposed to build houses or to grant a subsidy for houses with a density of more than 20 houses on any one acre.

Proposals submitted to the Minister should be accompanied by a site plan of the area to be developed; and the surrounding area should be shown either on the site plan or on a separate 6-inch ordnance sheet. Development work should not be begun by local authorities and certificates should not be issued to intending builders until the Minister's approval has been obtained.

The Minister desires at the same time to re-affirm the view expressed in the previous circular that a density of approximately twelve houses to the acre represents a desirable standard.

2.—MEASUREMENT OF HOUSES.

The Minister desires to take this opportunity of referring to a misunderstanding which has occurred in some cases in regard to the meaning of paragraph 7 (*f*) of the Appendix to Circular 388a.

* See "Local Government, 1923," p. 255.

This paragraph was intended to indicate the principle to be adopted in regard to the measurement of small porches, covered yards and verandahs, which might be attached to or form part of any house, for the purpose of determining whether the area of such house falls within the maximum and minimum limits prescribed in the Housing, etc. Act, 1923, for houses eligible for subsidy.

The general principle is that where such small areas are covered by light structures which, though attached to, are outside the containing walls of the building, and consequently do not add to the bulk of the main building, the measurement of these areas should not be included. But it was not intended to exclude from measurement the area of porches, or other open air spaces included within the lines of the main containing walls of the house, which do increase the bulk of the building.

After the date of this Circular certificates must only be issued in respect of houses which are eligible for subsidy when measured in accordance with the principles indicated above.

3.—SUBSIDIES FOR BUILDING OUTSIDE THE DISTRICT.

In some cases, local authorities have found it desirable to subsidise the building of houses outside their own districts. Where this is done the local authority should be careful to notify the local authority of the district in which the houses will be built, in order to obviate the possibility of the issue of certificates by both authorities in respect of the same houses.

An extra copy of this Circular is forwarded for the use of the authority's financial officer. Further copies may be purchased through any bookseller, or directly from H.M. Stationery Office, at any of the addresses shown below.

I am, etc.

CIRCULAR 506.

TO BOARDS OF GUARDIANS.

MINISTRY OF HEALTH,
29th May, 1924

SIR,—As the guardians are no doubt aware, public anxiety has been caused by the numerous cases of eviction or threatened eviction of tenants who, as the result of unemployment, are unable to pay their rent.

Destitution may, of course, consist in the lack of lodging no less than in the lack of food or clothing, and it is generally recognised that, both in determining whether destitution exists and in regulating the amount of relief to be granted, Boards of Guardians may, and indeed should, take into account this particular necessity of life. At the same time it is possible that there may still be some misapprehension on the part of some Boards of Guardians in regard to their power to give sufficient relief to pay rent, and the Minister accordingly desires to draw attention again to the circular letter which was addressed by the Ministry of Health to Boards of Guardians on the 8th September, 1921 (Circular 240), in which it was pointed

out that, while the Regulations prohibit the guardians or their officers from paying rent directly to the landlord, they do not prevent the guardians, in considering the amount of relief to be afforded to any particular person, from taking account of the expense being incurred by such person in providing lodgings.

It was further pointed out in the circular letter referred to that it is desirable that the guardians should satisfy themselves that any part of the relief which they have given for the purpose of paying rent is in fact devoted to this purpose and that they should therefore require the production by the recipient of relief of his rentbook or other evidence that the rent is being duly paid.

I am, etc.

S. R. AND O., 1924, No. 737.

HOUSING, ENGLAND AND SCOTLAND.

TREASURY MINUTE, DATED 16TH AUGUST, 1923, PRESCRIBING RATES OF INTEREST.

My Lords read Sect. 6 of the Housing Act, 1921, and Sect. 8 of the Housing (Scotland) Act, 1920, which respectively provide that Sect. 40 of the Housing, Town Planning, etc. Act, 1919, and Sect. 31 of the Housing, Town Planning, etc. (Scotland) Act, 1919 (which define a Public Utility Society), shall have effect as though the words " the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury " were substituted for the words " the payment of any interest or dividend at a rate exceeding 6 per cent. per annum."

They also read Sect. 4 of the Public Works Loans Act, 1922, which provides that in the application of Sect. 67 of the Housing of the Working Classes Act, 1890, to any company established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes which does not trade for profit, or whose constitution forbids the issue of any share loan or capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, paragraph (*d*) of sub-sect. (2) of the said Sect. 67 shall have effect as if the words " seventy-five per centum " were substituted for the words " one moiety " : Provided that the Public Works Loan Commissioners shall, in any such case, require, in addition to a mortgage of any land or dwellings, a further security of such value as they may think fit.

They also read Sect. 3 (2) of the Housing, etc. Act, 1923, which provides that the section applies to any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, or facilitating or encouraging the construction of, dwelling-houses for the working classes, being a society, body of trustees, or company which does not trade for profit or whose constitution prohibits the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

By Treasury Minutes dated the 5th February, 1921, the 27th August, 1921, and the 1st October, 1921, My Lords declared that

for the purposes of the sections cited in the first paragraph of this Minute the prescribed rate should for the time being be at the rate of six and one-half per centum per annum.

By Treasury Minute dated the 29th September, 1922, My Lords declared that for the purposes of Sect. 67 of the Housing of the Working Classes Act, 1890, as amended by Sect. 4 of the Public Works Loans Act, 1922, the prescribed rate should for the time being be at the rate of six per centum per annum.

My Lords are now pleased to declare that for the purposes of the following section, viz. :—

(1) Sect. 40 of the Housing, Town Planning, etc. Act, 1919, as amended by Sect. 6 of the Housing Act, 1921.

(2) Sect. 31 of the Housing, Town Planning, etc. (Scotland) Act, 1919, as amended by Sect. 8 of the Housing (Scotland) Act, 1920.

(3) Sect. 67 of the Housing of the Working Classes Act, 1890, as amended by Sect. 4 of the Public Works Loans Act, 1922 ; and

(4) Sect. 3 (2) of the Housing Act, 1923, the prescribed rate shall for the time being be at the rate of six per centum per annum :

Provided that nothing in this Minute shall affect the rate of interest or dividend on share or loan capital issued by a Public Utility Society before the date of this Minute.

CIRCULAR 520.

TO HOUSING AUTHORITIES AND COUNTY COUNCILS.

MINISTRY OF HEALTH,
20th August, 1924.

HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

I.—GENERAL SCOPE AND OBJECTS OF THE ACT.

1. *Introduction.*

The primary object of the Housing (Financial Provisions) Act, 1924, is to establish continuity in dealing with the housing problem and, by the adoption of a long and continuous programme of building, to ensure such a development of all the resources of the building industry as will guarantee the production of houses on a scale sufficient to overcome the present serious shortage of houses, and to make adequate provision for meeting the growing need and for the replacement of unsatisfactory accommodation.

At the request of the Government an exhaustive examination of the present position and future prospects of house production has been made by a committee representative of the employers and operatives of the building industry and of the manufacturers and suppliers of building materials This committee has reported that it is essential, if the industry is to have confidence to undertake the necessary augmentation of its present depleted resources, that stability should be created and that the demand should be maintained at an adequate level.

The present Act accordingly provides for a programme extending over a period of 15 years, and aiming at a production, at a gradually increasing annual rate, of approximately 2,500,000 houses in Great Britain.

The committee of the building industry was satisfied that such a scheme would enable means to be devised which would ensure that there should be available the labour and materials necessary for carrying out the programme at a reasonable cost.

For this purpose the committee of the building industry declared its readiness to adopt comprehensive proposals for revising their apprenticeship system which will provide a large increase in the numbers of apprentices, the acceptance of adult apprentices, and the shortening of the apprenticeship period.

It is an essential condition of the scheme that the continuance of the Exchequer contributions provided for in the Act shall be dependent on an adequate rate of production of houses being maintained, and the Act accordingly provides that the Minister and the Scottish Board of Health may make an Order, to be submitted to Parliament, terminating the Exchequer liability (except in so far as houses have already been completed) in the event of the production of houses, as ascertained triennially, falling short of two-thirds of the full programme proposed.

For the successful execution of a scheme of such magnitude it is vital that the cost of building should be kept at a reasonable level. The first essential, if this object is to be secured, is that the demands made upon the industry from time to time should take account of the availability of labour and materials, and that the growth of the demand should not outstrip the development of these resources. For local authorities the normal method of the provision of houses will be by competitive tenders, and it will be for these authorities in the first instance to adopt all practicable economies consistent with the provision of satisfactory houses, and to exercise every care that demand shall not outrun supply, and that accepted tenders shall be at the lowest possible level.

As regards building materials, provision is proposed in the Building Materials (Charges and Supply) Bill at present before Parliament for dealing with unreasonable prices.

In the last resort, the Housing (Financial Provisions) Act, 1924, provides that, in the event of the cost of houses being found, after full inquiry, at any time to be unreasonable, the Minister and the Scottish Board of Health may make an Order, to be submitted to Parliament, terminating the Exchequer liability to make contributions except in so far as houses have already been completed.

It is contemplated that an organisation should be set up representative of the different sections of the building industry to assist the Government in the carrying out of the scheme. Such an organisation would play an important part in assisting the Minister to maintain due harmony between the demands made upon the industry and its growing resources, and in facilitating the control of prices. Its functions would extend to all matters within the industry which may affect the housing scheme.

A further communication will be made to local authorities on this subject, and also in regard to the details of the proposals of the industry for the operation of their apprenticeship scheme when these have been completed.

II.—EXCHEQUER ASSISTANCE PROVIDED FOR UNDER THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924, AND THE HOUSING, ETC., ACT, 1923.

2. *Increased Exchequer Contribution to Housing Authorities for Houses subject to Special Conditions.*

(*a*) With a view to enabling provision of houses to be made for letting at reasonable rents the Housing (Financial Provisions) Act, 1924, provides primarily that houses which are subject to special conditions as to their letting and to the amount of rent to be charged for them, and which are completed before the 1st October, 1939, shall be eligible for increased Exchequer contributions. The special conditions referred to are described in detail in paragraph 12 of this Circular.

The total amount of the increased contribution will, subject to the revision referred to in paragraph 5 below as regards houses built after the first two years, be £9 a year for 40 years, or in the case of houses situated in an "agricultural parish" £12 10*s*. a year for 40 years.

These increased contributions will be payable towards the expenses incurred by local authorities in themselves providing houses subject to the special conditions, or in assisting private building enterprise to provide houses subject to special conditions which, with some necessary modifications, are similar to those applicable to houses provided by local authorities. If in any case the total assistance given by a local authority to private building enterprise is less than the equivalent of the increased Exchequer contribution the local authority will receive from the Exchequer the equivalent of the total assistance given by them.

(*b*) *Agricultural Parish.*—For the purposes of the Act, in regard to any proposals for the provision of houses, an agricultural parish is any civil parish, whether situated within the area of a rural district council or not, in which at the beginning of the financial year in which a proposal for the provision of houses is approved:

(i) the net annual value of the agricultural land in the parish in which the house is situated, as shown in the county rate basis then in force, exceeds 25 per cent. of the total net annual value of that parish as shown in the same basis (the value of all property in the occupation of the Crown being taken into account); and

(ii) the population of the parish according to the last published census return of the Registrar-General, is less than fifty persons per hundred acres.

Any questions whether a parish is or is not an agricultural parish will be determined by the Minister, whose decision will be final.

3. *Increased Contributions to County Councils, etc.*

The Act provides that the increased subsidy of £9 a year for 40 years will be available for houses built by county councils and the other boards or bodies referred to in Sect. 8 (3) of the Housing, Town Planning, etc. Act, 1919, which are subject to special conditions. The subsidy of £12 10*s*. a year for 40 years will not apply to houses situated in an agricultural parish which are provided by such bodies.

4. *Continuance of Exchequer Contributions under the Housing, etc., Act, 1923, for houses not subject to Special Conditions.*

The Act provides that, so far as Exchequer contributions are concerned, the provisions of the Housing, etc. Act, 1923, shall be extended practically unaltered for 15 years, and that any house provided under proposals approved by the Minister and otherwise complying with the provisions of the Act, shall, if it is completed before 1st October, 1939, and subject to the revision referred to in paragraph 5 as regards houses built after the first two years, be eligible for the Exchequer contribution of £6 a year for 20 years.

This applies to all houses not subject to special conditions whether provided by local authorities themselves or provided by private building enterprise with the help of financial assistance from a local authority. Where, however, the total assistance in respect of a house built by private enterprise is less than the equivalent of £6 for 20 years, the Government contribution will be the equivalent of the total assistance actually granted, and will be paid to the local authority either in the form of an annual sum for 20 years or a sum of £6 a year for a period of less than 20 years.

5. *Periodical Revision of Exchequer Contribution.*

The rates of contribution both for houses subject to special conditions and for houses not subject to such conditions are fixed by the Act in the first instance for houses built during the first two years only. After the 1st October, 1926, the position will be reviewed in consultation with representatives of local authorities and, if the cost of building and other conditions warrant a reduction, the contribution for houses built during the next period of two years will be reduced. A similar review will be made every two years during the continuance of the scheme.

6. *Summary of Exchequer Contributions in respect of Houses provided by Local Authorities or by Private Enterprise with assistance from Local Authorities.*

	Subject to special conditions.	Not subject to special conditions.
Houses provided by housing authorities—		
In agricultural parishes ..	£21 10*s.* per annum for 40 years.	£6 per annum for 20 years.
In non-agricultural parishes	£9 per annum for 40 years.	£6 per annum for 20 years.
Houses provided by private enterprise with assistance from local authorities—		
In agricultural parishes ..	£12 10*s.* per annum for 40 years.	£6 per annum for 20 years.
In non-agricultural parishes	£9 per annum for 40 years.	£6 per annum for 20 years.

	Subject to special conditions.	Not subject to special conditions.
Houses provided by County Councils, etc., for their employees under Sect. 8 of the Housing, Town Planning, etc., Act, 1919. (These bodies are not entitled to the Exchequer contribution of £12 10*s.* a year in respect of houses built in agricultural parishes.)	£9 per annum for 40 years.	£6 per annum for 20 years.

As explained in paragraphs 18 (*c*) and 19 (*c*), the assistance granted by local authorities to private enterprise may be greater or less than the equivalent of the Exchequer contributions paid for local authorities' houses. Where the total assistance granted to private enterprise by a local authority is less than the equivalent of the Exchequer contribution for a house provided by a local authority in similar conditions, the Exchequer contribution to the local authority will be the equivalent of the assistance actually granted and will be paid in the form of an annual sum, an appropriate reduction being made either in the annual payment or in the period for which payments will be made.

7. *Exceptional Cases in which the Flat-rate Contribution may be reduced.*

The Act provides that if proposals are submitted by a local authority and approved by the Minister for the building of houses at a substantially reduced cost in consequence of the use of new materials or new methods of construction, the Exchequer contribution may be reduced, but the reduction may not be so great as to leave any part of the estimated annual loss to be borne by the local authority.

It is further provided that if at any time it is shown to the satisfaction of the Minister that a local authority have, without reasonable cause, refused to adopt a new material or method of construction which in his opinion would reduce the cost of houses without unduly affecting their durability, suitability or appearance the Minister shall require the adoption of the material or method to be reconsidered by the authority, and in the event of their failure without reasonable cause to adopt the same shall make such deduction from the amount of the subsidy payable by him as in his opinion is reasonable having regard to the expenses incurred by the authority.

III.—HOUSES PROVIDED BY LOCAL AUTHORITIES.

8. *General.*

As the scheme contemplated by the Act is one for a continuous programme of house building it will be for the local authority to frame their policy accordingly, and it will be necessary for them to look ahead and make such arrangements, more particularly in connection with the selection and acquisition of sites, as will facilitate the uninterrupted progress of their schemes and secure that actual building is not held up at any stage by delay in carrying out the necessary preliminary steps.

9. *Approval by Minister.*

To assist local authorities in this object the Minister will be prepared to give provisional approval to a local authority to cover the proposals which they estimate they can effectively carry out within a period of not more than two years, and he will be prepared to give further provisional approvals from time to time in the light of the progress made and the development of the resources of the building industry. Specific approval will be given from time to time for the number of houses for which it is the intention of the local authority to obtain immediate tenders, and it is suggested that tenders should not as a rule be obtained for houses which cannot be completed within nine months.

10. *Administration by Local Authority : Plans, Tenders and Contracts.*

Local authorities will appreciate that proper control of the number of houses put out to contract from time to time, no less than wise administration in the preparation of their schemes and the acceptance of tenders, is of the utmost importance in preventing inflation of cost, and the Minister relies on local authorities co-operating with him to this end. In this connection it will be appreciated that it will be necessary for the local authority to have careful regard to the availability of labour and materials in connection with every kind of building work which they may undertake.

The Minister proposes to leave the details of schemes, so far as practicable, within the discretion of the local authorities ; and in the interests of simplicity of administration and despatch it is not his intention, save in exceptional circumstances, to require the submission of plans, specifications, etc., or of tenders proposed to be accepted or contracts proposed to be signed. He will be pleased, however, to arrange for his officers to confer with representatives of the local authorities at any time with a view to giving any assistance practicable on these points, and he specially desires that in all cases where tenders received are regarded by the local authority as too high for acceptance particulars should be furnished to his department.

All contracts for houses subject to special conditions must contain a fair wages clause. The fair wages clause must comply with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force. A copy of the resolution at present in force is set out in the Appendix.

Local authorities will also be required to satisfy themselves in all cases that their contractors are taking part in the general apprenticeship scheme when details of the scheme have been completed and are communicated to them by the Ministry.

11. *Purchase of Houses by Local Authority.*

As the local authority are aware they have statutory power, with the approval of the Minister, to purchase houses already constructed. Such houses forming part of an approved proposal under the present Act will be eligible for subsidy if they have been

completed after the passing of the Act and have not been occupied previously to their purchase by the local authority, provided, of course, that they comply with the conditions as to type and size and, if the houses are to be eligible for the increased subsidy, with the special conditions set out below.

12. *Special Conditions.*

The Act provides that in order to qualify for the increased subsidy of £9 for 40 years (or in an " agricultural parish " £12 10*s.* for 40 years) local authorities shall undertake to comply with the following conditions :—

(*a*) That the houses will be let by the local authority to tenants who intend to reside in them.

(*b*) That it shall be a term of every such letting that the tenant shall not assign, sublet or part with the possession of the house or any part of it except with the written consent of the local authority, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, subletting or other transaction.

(*c*) That if the local authority sell or dispose of houses such sale or disposal shall not be effected except upon such stipulations, if any, as the Minister thinks proper for the reduction of subsidy.

(*d*) That a fair wages clause which complies with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force will be inserted in all contracts for the construction of the houses. (*See* Appendix.)

(*e*) That the rents of the houses will not in the aggregate exceed the rents payable if the houses were let at the appropriate normal rents charged in respect of pre-war working-class houses, except in so far as the rate expenses incurred by the local authority in connection with the provision of the houses would exceed the equivalent of £4 10*s.* a year per house for 40 years, and that no fine, premium, or other like sum shall be taken in addition to the rent.

(*f*) That reasonable preference shall be given to large families in letting the houses.

Rules prescribed by the Minister for determining the appropriate normal rent are set out in the Appendix, but as this factor is one of essential importance to the working of the scheme the question should be very carefully considered by local authorities. In this connection the general considerations set out in the following paragraph may be of assistance.

13. *Rents of Houses subject to Special Conditions.*

As already indicated, the object to be aimed at is the letting of houses at the rents commonly paid from time to time for ordinary working-class houses which were erected before the war. The first thing to be done, therefore, is to determine what are to be regarded as the rents of such ordinary working-class houses. These rents are described in the Act as appropriate normal rents and it is contemplated that in the area of any local authority appropriate normal

rents may be fixed for different classes of houses, *e.g.* parlour and non-parlour, and, if necessary, for different districts within a local authority's area. The appropriate normal rent will be determined by the local authority themselves in accordance with the rules set out in the Appendix. The local authority will be required to deal with the houses in two main classes, parlour and non-parlour, and to obtain particulars of all the types in each class, taking care to satisfy themselves that the types taken are representative of all houses in the district, and that the number of each type taken is in rough proportion to the total numbers of each type in the district. If there is a marked difference in the rent levels in different parts of the area the local authority should ascertain the appropriate normal rents for each such part instead of for the district as a whole.

If any material change takes place in the level of rents in the district the local authority should make a new ascertainment of appropriate normal rent.

The actual rents charged by the local authority will not necessarily be the appropriate normal rents determined in accordance with the rules. If, for example, an appropriate normal rent is fixed, say, for non-parlour houses, it will be open to the local authority to fix different rents for non-parlour houses of different sizes, situation or amenity. But the total rents charged by the local authority for all the houses of this type must not exceed the total rent which would have been obtained if each house had been let at the appropriate normal rent.

An example will explain the working more clearly (the figures used are, of course, for illustration only).

Local authority's building proposal	500	non-parlour houses
of which	50	are of type X
	150	„ „ Y
	300	„ „ Z

Appropriate normal rent fixed by local authority for non-parlour houses 7*s.* 3*d.* per week.

Total rents should not exceed 7*s.* 3*d.* × 500 = £181 5*s.*

Rents which would be charged within the scheme :—

		£	*s.*	*d.*
Type X	50 at 6*s.* 6*d.*	16	5	0
„ Y	150 at 7*s.*	52	10	0
„ Z	300 at 7*s.* 6*d.*	112	10	0
	Total ..	£181	5	0

If, however, by fixing rents in the manner explained above the estimated annual loss falling on the local authority would exceed the equivalent of £4 10*s.* a year for 40 years for each house after crediting the Exchequer subsidy of £9 a year (or £12 10*s.* in " agricultural parishes ") for 40 years for each house, such additions may be made to the rents as will reduce the estimated annual loss to the equivalent of £4 10*s.* a year for 40 years for each house.

The local authority will carry out their building programme by instalments, but will require to fix rents as soon as houses in the first instalment are becoming completed.

In estimating the annual loss the local authority should base their calculation on the assumption that the whole of the houses to

be included in their building proposal have been carried to completion at the same average price as the first instalment, and should make such deductions from the gross exclusive rents for repairs, management, empties, etc., as appear to them reasonable having regard to their experience in administering houses already erected under the Acts of 1919 and 1923.

A simple way of ascertaining whether the estimated annual loss exceeds the equivalent of £4 10*s.* a year for 40 years and what (if any) addition can be made to the rent fixed on the basis of the appropriate normal rent would be :—

(*a*) determine what capital sum would be liquidated over 40 years by an annual payment of £13 10*s.*, and multiply this sum by the number of houses to be included in the building proposal ;

(*b*) estimate the total cost of all the houses of the various types contemplated in the building proposal ;

(*c*) ascertain the annual loan charges on the difference between (*b*) and (*a*) ;

(*d*) ascertain the rent income, after allowance for repairs, management, etc., which would be derived if the appropriate normal rent were charged for all the houses ;

(*e*) if (*d*) is equal to or exceeds (*c*) the rents based on the appropriate normal rent are the rents to be charged for the various types.

(*f*) if (*d*) is less than (*c*) it will be open to the local authority to increase the rents first fixed on the basis of the appropriate normal rents by such amounts as will absorb the deficiency.

Rural District Councils.—In areas administered by rural district councils the appropriate normal rents will be fixed either for the whole area or for groups of parishes or for parishes or parts of parishes in the area as the local authority may determine, and in fixing the actual rents to be charged within the total of the appropriate normal rents the local authority should treat as a separate type houses for the occupation of agricultural workers, whether situated in agricultural parishes or not.

The council will receive £12 10*s.* a year for 40 years in respect of all houses in agricultural parishes and £9 a year for 40 years for all houses in other parishes. The total expenses of the rural district council will be dealt with as general expenses of the whole rural district.

14. *Undertaking to Comply with Special Conditions.*

It will be necessary under the Act for the local authority to give an undertaking to comply with the special conditions in respect of houses included in their approved scheme and the manner in which this undertaking should be given is set out in the Appendix.

It will be appreciated that compliance with the special conditions is an essential factor in the payment of the increased subsidy and care should therefore be taken by the local authority to see that these conditions are observed.

15. *Sale of Houses erected by Local Authority.*

The increased subsidy under this Act is intended to enable houses to be built for letting and will only be available for houses

intended to be let. Provision has, however, been made which will allow for the subsequent sale of houses erected under an approved scheme subject to such stipulations, if any, as the Minister may think proper, for the reduction and/or the curtailment of the subsidy.

If a house is sold subject to all the prescribed special conditions the increased subsidy of £9 (or in agricultural parishes of £12 10*s*.) will continue to be paid.

If, however, a house is sold and will not thereafter be subject to special conditions, the subsidy will be suitably reduced, but not below £6 a year for the unexpired part of 20 years. In the case of every proposed sale, the prior consent of the Minister will be required and full particulars of the proposals of the local authority must be submitted to the Minister. In accordance with the provisions of Sect. 15 (3) of the Housing, Town Planning, etc. Act, 1919, the sales must be on the basis of the best price that can reasonably be obtained, having regard to any conditions imposed.

16. *Houses not subject to Special Conditions.*

If a local authority elect to build houses not subject to special conditions, the conditions as to the letting and renting set out in the preceding paragraphs will not apply, but the Minister considers that the arrangements as to fair wages should be made applicable to contracts for the erection of these houses also. The rents of such houses will be within the discretion of the local authority in the same manner as the rents of houses provided under the Act of 1923.

As regards the sale of such houses, the ordinary provisions of Sect. 15 (3) of the Housing, Town Planning, etc. Act, 1919, will apply.

IV.—HOUSES PROVIDED BY PRIVATE ENTERPRISE WITH THE GRANT OF ASSISTANCE FROM THE LOCAL AUTHORITY.

17. *General.*

The Minister is required by Sect. 2 (2) of the Act of 1923 to be satisfied before approving proposals—

(*a*) that the houses in respect of which assistance is proposed to be given are of the prescribed type and size ;

(*b*) that the need for such houses cannot be met without assistance.

These conditions are also applicable to proposals submitted under the Act of 1924, whether the houses are proposed to be subject to the special conditions of that Act or not. In either case the object of granting assistance is to ensure the provision of working-class houses with the minimum assistance necessary, and the local authority should satisfy themselves that the amount of the assistance proposed by them is the minimum required to secure the erection of the houses.

In addition to granting assistance to builders and owner-occupiers the local authority have power to assist public utility societies and similar bodies.

18. *Houses subject to Special Conditions.*

It is open to the local authority to assist private enterprise in the provision of houses subject to special conditions as to letting,

etc., and this power includes assistance both to private individuals and to such bodies as public utility societies.

The local authority must in these cases undertake that the special conditions will be complied with, and it will be for them to frame the grant of assistance so as to secure this result. The special conditions are :—

(i) That the houses shall be let for occupation to tenants who intend to reside in them.

(ii) That it shall be a term of every such letting that the tenant shall not assign, sub-let or part with the possession of the house or any part of it except with the written consent of the local authority and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction.

(iii) That no house shall be sold or otherwise disposed of (save by such lettings as aforesaid) without the consent of the Minister of Health, and such consent will be subject to such reasonable stipulations as the Minister may think proper, including reduction of subsidy.

(iv) That a fair wages clause, which complies with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force, shall be inserted in all contracts for the construction of the houses (*see* Appendix).

(v) That the rent charged in respect of any house shall not exceed the appropriate normal rent, together with a sum equivalent to the average excess, if any, above the appropriate normal rent which could be charged by the local authority if the houses had been provided by the local authority themselves, and that no fine, premium, or other like sum shall be taken in addition to the rent.

The assistance in the case of houses subject to special conditions will take the form of an annual sum of an amount to be specified for a period not exceeding 40 years to the person for the time being in receipt of the rent payable by a tenant to whom the house is let. The local authority will not be able to give assistance by way of lump sums in these cases. The amount of assistance to be given by the local authority which may exceed the amount of the Exchequer contribution to the local authority is a matter for the determination of that authority subject to the approval of the Minister. The amount of assistance which can be given by the Minister to the local authority towards the expenses incurred by them in affording such assistance will be a maximum of £9 a year (or in an agricultural parish £12 10*s*. a year) for a period of 40 years, and will not in any case exceed the amount of assistance actually given by the local authority.

As regards the sale of houses provided by private enterprise, conditions as to reduction of subsidy will apply similar to those described in paragraph 15 in respect of local authorities' houses. It is suggested that proposals for the sale of houses provided by private enterprise should be submitted to the Minister through the local authority.

19. *Houses not subject to Special Conditions.*

The provisions of the Act of 1923 still remain in force for houses complying with the conditions prescribed by that Act but not subject to the special conditions referred to in the preceding paragraph, and the Act of 1924 extends the date for the completion of houses to be eligible for the appropriate subsidy to the 1st of October, 1939.

It should be borne clearly in mind that what is to be aimed at is the provision of houses of a working-class type and value. As in some cases there would appear to have been some misapprehension on the point, it should be clearly understood that it is not sufficient to qualify for subsidy that a house should comply with the prescribed technical conditions as to size, construction, etc.

It is an essential factor in the administration of the scheme that the local authority should satisfy themselves that assistance is only given where necessary, that the amount of assistance given is the minimum necessary to induce the applicant to proceed with the erection of the houses, and that the houses will be available for occupation at prices suitable for working-class houses. As an administrative guide in this connection the local authority will no doubt fix in their minds a maximum value or selling price, beyond which they will not entertain applications for subsidy and, while some margin may be necessary, it is considered that in fixing such maximum value or selling price the local authority may properly have regard to the cost of houses provided by the local authority themselves and the amount of subsidy which they are offering.

Assistance in these cases may be given in any of the following ways :—

(1) A lump sum grant to be paid after the completion of the houses.

(2) An annual payment for a period of not more than 20 years to the person by whom the rates are payable.

(3) Periodical payments to a building society or other body or person (including the local authority) of a part of the amounts due in respect of interest and redemption charges on advances made for the building of a house or the purchase of a new house the building of which within the prescribed period was approved by the local authority.

The amount of assistance to be given by the local authority is a matter for the determination of that authority, subject to the approval of the Minister. The amount of assistance which can be given by the Minister towards the expenses incurred by them in affording such assistance will be a maximum of £6 a year for a period of 20 years and the assistance to be given by the Minister must, in every case, take the form of an annual payment.

20. *Grants to Private Individuals in event of failure of Local Authority to make a Scheme.*

The Act of 1924 confers on the Minister power to grant assistance direct to private individuals in cases where he certifies that a local authority has failed to take the necessary steps for promoting the construction of houses. It should be clearly understood that this provision does not provide a general right of appeal against the

decision of a local authority on an individual case. The section has been included to provide against the case of a local authority failing without adequate reason to put forward any proposals for promoting the construction of houses under the Acts of 1923 or 1924.

The assistance available in such cases will take the form of an annual payment, and the amount of the payment for each house will be £6 per year for a period of 20 years or in the case of a house subject to special conditions under the Act of 1924, £9 a year (in an "agricultural parish" £12 10*s*. a year) for a period of 40 years. In no circumstances can a lump sum payment be made under this section.

V.—DESCRIPTION OF HOUSES WHICH WILL QUALIFY FOR ASSISTANCE.

21. *Type.*

The houses may be :—

(*a*) Two-storied cottages * ; or
(*b*) One-storied cottages or bungalows ; or
(*c*) Houses built in flats, each flat being treated as one house.

22. *Area and Measurement.*

Assistance will be available under the terms of the Act for houses having a superficial area within the following limits :—

For a two-storied cottage ..	Minimum	620	superficial feet.
	Maximum	950	,, ,,
For a one-storied cottage or bungalow, or for a flat ..	Minimum	550	,, ,,
	Maximum	880	,, ,,

The Minister is, however, empowered to permit smaller houses to rank for subsidy where a local authority satisfy him that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions. The minimum sizes which can be permitted in such cases will be 570 superficial feet for two-storied houses and 500 superficial feet for flats or one-storied houses. In every case permission will be given for such limited number of houses for the particular area, and subject to such conditions, as the Minister may determine.

Under the provisions of the Act no assistance can be granted in respect of any house whose area does not fall definitely within the above limits. The measurement of superficial area must also be carried out in strict accordance with certain definite rules, which are set out in the following paragraph, and should be clearly understood by the architects and surveyors of local authorities.

The rules for the measurement of superficial area will be as follows :—

(*a*) The area will be measured within the external or containing walls of the house (so as to include the area of chimney breasts, bay windows and similar space), and, in the case of two-storey cottages, will be the combined areas, as so measured, of the two storeys.

* An attic would be permitted in addition, subject to limits of area.

(*b*) In the case of houses built in flats the space occupied by a staircase will not be included in measuring the area of a flat.

(*c*) Habitable accommodation provided in an attic or storey formed in the roof will be included without regard to the use to which it may be intended to be put. In determining whether accommodation is habitable regard should be had not only to its condition as shown in the plans, but also to the possibility of its conversion into habitable accommodation. The area of so much of the attic as is less than 5 feet in height will be excluded in measuring the habitable accommodation.

(*d*) Cellars will not be included.

(*e*) Outbuildings will be excluded if they are not an essential part of the house, but will be included if they provide accommodation which is necessary to the occupation of the house or is usually included within the containing walls of the house. Outbuildings are buildings not communicating with the house which are outside the containing walls of the house, whether attached thereto or not. Examples of an outbuilding to be included are a W.C., coal-house or scullery. A tool shed, wood shed or bicycle shed would not be included. The area of an outbuilding to be included will be measured within the containing walls of that area.

(*f*) With regard to covered areas, such as the area of a verandah or porch, the general principle is that where such small areas are covered by light structures which though attached to are outside the containing walls of the house, and consequently do not add to the bulk of the main building, the measurement of these areas should not be included. But the area of porches or other open air spaces included within the lines of the main containing walls of the house which do increase the bulk of the buildings should be included in the measurement of the house.

23. *Planning and Construction.*

The Minister attaches importance to the maintenance of a good standard in the planning and lay out of the schemes to be carried out under the Act and he has no doubt that he can rely on the co-operation of local authorities in doing all within their power to ensure that these features will be creditable to the country and to the local authority.

The Act provides that it shall be the duty of a local authority on submitting proposals, to satisfy the Minister :—

(*a*) that they have taken into account the requirements of any town planning scheme likely to be made in respect of, or in the neighbourhood of, the area in which the houses are to be provided ; and

(*b*) that the rate of density of the houses will not, except with the consent of the Minister, exceed eight per acre in an agricultural parish and twelve per acre elsewhere.

Where a local authority desire to exceed these standards the Minister will wish to be furnished with the considerations which

have led the local authority to consider that the normal standard should be exceeded in the particular case.

Development work should not be begun by local authorities and certificates should not be issued to intending builders until the Minister's approval has been obtained.

The houses must be constructed in a proper and workmanlike manner and must, unless the special approval of the Minister is obtained, be of a type of construction for which a period of not less than 60 years would be allowed by the Ministry for the repayment of a loan. In this connection it should be understood that it is desired to give every encouragement to any new methods of construction which promise economy or speed of erection, and the Minister will be pleased to consider sympathetically any proposals from local authorities which seem likely to attain these objects, and to arrange for his officers to give any advice or assistance possible in the consideration of such proposals. It may be mentioned that approval has already been given by the Minister in certain instances to proposals for the erection of houses constructed mainly of wood, and the Minister will be prepared in suitable circumstances to entertain further applications in respect of such forms of construction as are of a satisfactory type, even although a period of so long as 60 years could not properly be allowed by the Ministry for the repayment of a loan.

In every case the materials used must be of good quality such as is ordinarily specified by a local authority in a contract for working-class houses.

Under Sect. 24 of the Housing, Town Planning, etc. Act, 1919, where a housing scheme has been carried out in accordance with plans and specifications approved by the Minister, the local bye-laws do not apply to such scheme in so far as they are inconsistent with the plans, etc. Similar departures from the byelaws will be permissible in the case of houses which will be eligible for subsidy under the Acts of 1923 and 1924. In other respects the local byelaws must be complied with unless a consent is given by the authority under Sect. 25 of the Act of 1919, the operation of which has been extended by the Expiring Laws Continuance Act, 1924, to the end of 1925.

Sect. 12 of the Act of 1923, by amending and extending the principle of Sect. 44 of the Housing Act, 1909, provides for the revocation of existing byelaws and the making of new byelaws where, in consequence of the existing byelaws, the erection of buildings is, or is likely to be, unreasonably impeded.

The local authority may exercise discretion as to the sizes of rooms to be permitted having regard to the circumstances and the character of the plan, but the Minister points out that rooms of the following sizes, which have been regarded as affording a desirable standard, can be obtained within the limits permitted :—

Living room	.. ..	about 180 sq. feet
First bedroom	.. ..	,, 150 ,,
Second bedroom	.. .. ..	,, 100 ,,

Third bedroom not less than 65 sq. feet.

Where a parlour is also provided some reduction in the size of the living room may reasonably be permitted.

Sect. 1 (2) of the Act of 1923, as amended by the Schedule to

the Act of 1924, provides that, except where otherwise approved by the Minister on the recommendation of the local authority, every house or flat to be eligible for subsidy must be provided with a fixed bath in a bathroom.

24. *Houses which are not eligible.*

In order to avoid delay and correspondence it will be desirable to refer here to certain cases in which the Minister will not be prepared to make a contribution. Contributions will not be payable in respect of the conversion of an Army hut or similar building, or in respect of any house :—

(*a*) which is constructed by the conversion, adaptation, or extension of an existing building, or includes any part of an existing building, other than the party wall of a habitable dwelling-house ;

(*b*) which contains or is constructed for occupation with an office, shop, business premises, garage, stable or similar building ; or

(*c*) which is built to replace loss by fire.

VI.—LAND.

25. *Transfer of Land already acquired under* 1919 *Scheme.*

Land acquired under the assisted scheme authorised by the Housing, Town Planning, etc., Act, 1919, should, wherever possible, be utilised for the erection of houses under the present scheme, either by the local authority or by private builders. The account of the former scheme will, in effect, be credited in respect of the transference with a capital sum equal to the present market value of the land in question, including the value of any development works which have been carried out on the site. Arrangements have been made with the Valuation Office under which the district valuer will be prepared, on application and receipt of a plan showing the land which it is proposed to take over, to certify the amount to be credited to the 1919 Act scheme on this basis. When the land is taken over by the local authority it will be necessary for arrangements to be made for adjustment of debt charges, and the local authority should submit to the Ministry their proposals on this point. It is considered that the transfer should ordinarily take place on the date on which work is started on the land, or at the expiration of two months from the date when the local authority are notified by the Ministry of their agreement with the proposals of the authority, whichever is the earlier. Where the transfer extends to a large area of land beyond what can be utilised for an immediate building programme, the Minister will be prepared to consider proposals for transferring the land in instalments over a period.

26. *Acquisition of Fresh Land.*

It is appreciated, however, that in many instances it will be necessary for the local authority, in order that they may make adequate arrangements for the prudent development of their scheme, to take steps to acquire additional land, and the Minister will be

prepared to entertain applications for sanction to loans for the acquisition of land, even although it may not be immediately required for building purposes. It will be understood that the Minister's sanction to a loan for the acquisition of land does not involve any approval for subsidy purposes of houses proposed to be built on the land. Any application for sanction should be accompanied by a site plan drawn to a scale of 1/500 and by the district valuer's valuation of the land.

VII.—ASSISTANCE TO PRIVATE ENTERPRISE BY WAY OF LOANS, GUARANTEES, ETC.

27. *Loans to Builders.*

Sect. 5 of the Act of 1923 gave powers to the local authority for the advance of loans to builders and others for the construction of houses of which the estimated value does not exceed £1,500. By Sect. 12 of the new Act the powers given to local authorities by Sect. 5 of the Act of 1923 are conferred on County Councils also.

Under these powers the local authority are enabled to assist by way of loans persons desiring to build houses for their own occupation or to build one or more houses for sale or letting. It is also open to a local authority under this power to lend money to public utility societies or other societies or bodies undertaking to build houses.

A proviso to sub-sect. (1) of Sect. 5 of the Act of 1923 requires that a local authority before granting assistance by way of loan or otherwise, as provided by the section, shall satisfy themselves that the houses or flats in respect of which assistance is to be given will, when the building, alteration or conversion has been completed, be in all respects fit for human habitation, and, in particular, that the superficial area of any such house or flat will not be less than the minimum permissible under Sect. 1 of the Act.

The loans will be secured by mortgage. The amount of the advance may not exceed 90 per cent. of the value of the interest of the mortgagor in the property but will otherwise be within the discretion of the local authority, subject to the approval of the Minister.

During construction the local authority is empowered to make advances up to 50 per cent. of the value of the work done, including the value of the builder's interest in the site. Loans to persons having a leasehold interest will be permissible, but in such cases the unexpired period of the lease at the date of the advance of the loan must be at least 10 years in excess of the period fixed for the repayment of the loan.

Advances may only be made after a valuation duly made on behalf of the local authority. The services of the district valuer are not available for the local authority for this purpose. The rate of interest to be charged will be within the discretion of the local authority subject to the approval of the Minister. In proposing a rate or rates of interest for approval, the local authority should make such addition to the rate at which they may expect to be able to borrow over the period of the loan as they estimate will suffice to cover them against loss, having regard to the proportion of value to be advanced and to the period for which it is proposed to lend.

It is suggested that loans should ordinarily be repayable in 20 years, and that the mortgage should be transferable to the purchaser of a house as required.

Repayments may be made by monthly instalments.

It will be desirable that a local authority should prepare a scale showing all legal costs and surveyor's fees.

By the Act of 1924 the powers mentioned above, which, under the Act of 1923, were only exercisable up to the 1st October, 1926, have been made permanent. It has also been made clear that a local authority can make advances for flats, and the provision for a maximum value of £1,500 will apply to each individual flat.

28. *Loans to Owner-Occupiers.*

Provision was made in Sect. 22 of the Act of 1923 for the amendment of the Small Dwellings Acquisition Acts so as to enable loans to be made within much wider limits to persons who desire to purchase a house for their own occupation. The Acts are made available for houses up to £1,200 market value and the percentage which may be advanced will be within the discretion of the local authority, subject to a maximum of 90 per cent. of value. Advances may also be made during construction up to 50 per cent. of the value of the work done, including the value of the interest of the borrower in the site. The requirement that the purchaser shall be required to reside in the house will have effect for a period of three years only from the date when the advance is made or from the date on which the house is completed, whichever is the later, and it will be within the discretion of the local authority to dispense with this condition at any time.

29. *Guarantees to Building Societies.*

Under Sect 5 (1) (*b*) of the Act of 1923, local authorities were given power to guarantee the repayment to a building society of an advance made to any of its members desiring to build or acquire a house having an estimated value of not more than £1,500. It is made clear by the present Act that the power of the local authority to guarantee advances covers also the interest on these advances, and that the local authority have the power to give such guarantees in respect of houses within or without their own area.

The object of this provision is to enable a building society to advance a larger proportion of the cost of a house than its rules would normally allow, and it is hoped that in this way many persons who could not otherwise find the necessary capital will be enabled to build houses for their own occupation.

It is recognised that there must be some elasticity in the negotiations between individual local authorities and individual building societies, but the Minister will be glad to advise local authorities as to the substantive provisions to be included in any scheme. The precise form of guarantee is a matter for the legal adviser of the local authority to determine, and does not require the approval of the Minister.

The proviso to Sect. 5 (1) of the Act of 1923 referred to in para-

NOTE.—Assistance may be given by way of loan or guarantee, in addition to the subsidy, in respect of a house for which a subsidy is granted.

graph 27 with regard to loans applies also to cases where the local authority undertake to give guarantees.

30. *Conversion of Houses into Separate Tenements.*

In order to facilitate the conversion of houses into separate tenements, it is provided by Sect. 5 (1) (*c*) of the Act of 1923 that the local authority shall have power to refund during a specified period, not exceeding twenty years, the whole or part of the excess rates on each tenement over and above the rates which would have been payable if the tenement had been rated proportionately with the other tenements in the house on the basis of the rateable value of the house before conversion. There is no restriction on the value of the house to which this provision relates.

The proposals of a local authority for the exercise of this power will require the approval of the Minister, and the proviso to Sect. 5 (1) referred to in previous paragraphs applies here also.

VIII.—PROCEDURE OF LOCAL AUTHORITY.

31. *Submission of Proposals for Provisional Approval.*

As previously indicated, the Minister is prepared to give provisional approval to proposals designed to form the local authority's programme for the next two years, and for the purpose of obtaining the approval of the Ministry to such a programme the local authority should submit to the Ministry the following particulars :

(1) An estimate of the existing need for houses in the district taking account of the number required to abate overcrowding, replace unfit houses and houses below a reasonable standard of fitness, and the number required to meet the natural growth of population during the two years in question. This evidence should be accompanied by a statement of the evidence on which the local authority have based their estimate, *e.g.* statistics of overcrowding, and statement of the number of applicants on the local authority's current waiting list.

(2) Estimate of the number of houses likely to be built—

(*a*) By the local authority—

(i) Subject to special conditions ;

(ii) Not subject to special conditions.

(*b*) By private enterprise—

(i) Subject to special conditions ;

(ii) Not subject to special conditions.

(3) Number of houses to be put in hand by the local authority at once, stating whether subject to special conditions or not.

(4) Sites on which houses are proposed to be erected, stating whether land has already been acquired, and, if so, for what purpose, and approximate number of houses proposed to be erected on each side.

(5) Whether the local authority have satisfied themselves that the proposals will not prejudice the requirements of any town planning scheme likely to be made in respect of, or in the neighbourhood of, the area in which the houses are to be provided.

(6) Whether the houses will be of a rate of density not exceeding

12 to the acre (or, in the case of an agricultural parish, 8 to the acre). If not, what rate of density is proposed and what are the reasons of the local authority for desiring to exceed the usual standard. Particulars of any such cases should be submitted to the Minister, whose special approval is required.

(7) Anticipated dates of completion, giving separately, so far as possible, anticipated dates for the several sections of the scheme.

(8) Present labour position in the area, giving information as to statistics of unemployment in the building trade in the area, to be obtained from the Labour Exchange, and any information which leads the local authority to the conclusion that the labour now available, or likely to be available within the period in question will be adequate to secure the completion of the proposed programme within such period.

(9) Copy of resolution of the local authority adopting the proposal, describing generally the houses proposed to be built, and in the case of houses subject to special conditions, undertaking that the special conditions will be strictly observed.

32. *Submission of Proposals for Specific Approval.*

For this purpose the Minister will require to be furnished with the following information :—

(1) Number of houses proposed to be put in hand at once.

(2) Site on which proposed to be erected, stating whether already acquired, or not. Attention is drawn in this connection to paragraphs 25 and 26 with regard to land.

(3) Description and superficial area of houses and rate of density proposed : a certificate by the surveyor, or other authorised officer of the local authority, that the houses comply with the prescribed conditions as regards size, materials, construction, etc., should be enclosed.

(4) If the application relates to houses subject to special conditions an undertaking by the local authority in the form prescribed in the Appendix that the special conditions will be strictly observed.

(5) Where the application relates to or includes houses subject to special conditions and situated in an agricultural parish, the application should contain information as to the name and population of the parish according to the last census, the net annual value of the parish according to the county rate basis on the 1st April preceding the date of application, and the net annual value of the agricultural land in the parish according to the county rate basis.

(6) For the purpose of loan sanctions a copy of the resolution of the local authority applying for sanction to the loan ; the resolution should specify separately the amounts estimated to be required for land, roads, sewers, houses. No further loan sanction will be required for land proposed to be transferred for this purpose from the Housing Assisted Scheme.

(7) A copy of the resolution applying for approval for subsidy purposes, which should specify whether the application relates to houses subject to special conditions or otherwise.

(8) Anticipated date of completion of houses.

(9) Number of houses already sanctioned for erection by the local authority under Act of 1923, number already in signed contracts, number commenced, number completed.

The Minister does not wish the immediate commencement of building to be delayed in any way by the preparation of the local authority's general scheme for provisional approval, and he is ready to give immediate approval for purposes of subsidy and to sanction the necessary loans to proposals for immediate building submitted on the lines indicated above.

The approval of the Minister should be obtained to the number of houses to be built at any one time by the local authority before any steps are taken to obtain tenders.

33. *Registers, Records, etc.*

The local authority will keep separate registers of houses provided by them, one relating to houses subject to special conditions, and one relating to houses not so subject. Particulars will be entered in both registers as regards each contract, showing—

Address or situation of houses ;

Reference to contract and plans ;

Date of commencement of building under each contract ;

Date of completion of each house ;

Reference to certificate of surveyor or other authorised officer (see paragraph 35).

The register relating to houses subject to special conditions should also contain—

Particulars of " appropriate normal rents " fixed for the districts in which the houses are to be built.

(Where different " appropriate normal rents " are fixed for classes of houses (*e.g.* parlour houses and non-parlour houses) the separate " appropriate normal rents " are to be stated.)

Numbers of houses proposed to be erected in each scheme, distinguishing numbers of different types under each class.

Rents charged for each type of house erected.

Where the rents actually charged for any houses in any class exceed the appropriate normal rent for that class, a reference to the detailed estimate of the annual loss (see paragraph 13 of this Circular).

Particulars of any houses purchased by the local authority should be entered in the register and shown separately : the particulars should include the information indicated above and in addition the date of occupation of the house.

34. *Submission of Proposals for Assistance to Private Enterprise.*

It is contemplated that in the case of assistance to private enterprise a local authority will undertake to give subsidy only in respect of houses likely to be started within a reasonable time, and it is suggested that as a general rule a local authority's undertakings should be limited to such numbers of houses as can be completed, say, within 9 months. The Minister would propose to continue the practice of giving approvals to cover the estimated numbers of houses in respect of which the local authority expect to promise assistance within three months.

The information required by the Minister in connection with such applications will be :—

(1) Number of houses already approved, number in respect of which certificates have been issued by the local authority, number commenced, number completed.

(2) Number in respect of which application is now made.

Where the houses are to be subject to special conditions :—

(3) An undertaking from the local authority in the prescribed form that the special conditions will be observed.

(4) Amount of assistance proposed to be given by the local authority.

Where the houses are not to be subject to special conditions :—

(5) The form and amount of assistance proposed to be given.

(6) Information as to the selling values of houses already approved.

(7) An assurance that the local authority have satisfied themselves that the assistance proposed is the minimum required, that the assistance given will serve to provide houses which will meet the working-class need of the district, and that the houses will, when erected, be available at prices which it will be within the means of the working classes to pay.

(8) The conditions, if any, subject to which the assistance will be given.

(If conditions have already been approved and no further conditions are proposed, it will be sufficient to say so.)

Subject to the special cases particularly described in paragraph 38 below, assistance cannot be given in respect of any houses the construction of which was begun before the local authority's proposals have been approved by the Minister. It is, therefore, important that, if there are any individual applications with which the local authority desire to be in a position to deal, a general scheme should be submitted with the essential information without delay, even though the outlines of the scheme may require modification at a later date. When the number already approved becomes inadequate to deal with the cases which the local authority desire to assist, care should also be taken to submit an application for further approval to the Ministry with information similar to that furnished previously.

35. *Local Authority's Arrangements for the Assistance of Private Enterprise.*

The procedure to be followed by the local authority, in assisting private enterprise by way of subsidy, will be on the following lines :—

(1) Plans and specifications will be submitted in duplicate to the local authority for examination, and a copy will be retained by them. Both copies will be endorsed as approved by the local authority for the grant of a subsidy under the Act.

(2) If the proposals of the local authority have been approved by the Minister, and the local authority are satisfied that the plans and specifications comply with the conditions prescribed, and that the houses are otherwise properly eligible for subsidy (see paragraphs 18 and 19 of this Circular), the local authority will give to the applicant a certificate

that, if the houses are constructed in accordance with the approved plans and specifications and are completed ready for occupation to the satisfaction of the local authority, on or before the *, the houses will qualify for the assistance proposed. It is suggested that local authorities should issue certificates only in respect of houses which are likely to be begun within a reasonable time, and that every certificate should contain a statement that if the work of building is not begun within a specified time the certificate will be withdrawn.

It is important that the local authority should satisfy themselves before undertaking to give a subsidy in any case that the construction of the house was not begun before their proposals have been approved by the Minister.

(3) The local authority will keep separate registers for houses subject to special conditions and houses not so subject, showing :—

Name of applicant.
Address or situation of house.
Reference to plans.
Amount of grant.
Short particulars of any conditions attached to grant.
Dates of :—
(i) Examination of plans ;
(ii) Issue of certificate ;
(iii) Commencement of building ;
(iv) Inspection of house on completion and any other inspections ;
(v) Actual date of completion.
Reference to certificate of surveyor or other authorised officer (see below).

In the case of houses subject to special conditions the register should provide for the following additional particulars :—

Name of person in receipt of rent.
Address of person in receipt of rent.
Appropriate normal rent determined for different classes of houses for which grant is to be paid to this person.
Number of houses of different classes for which grant is to be paid.
Rents charged for these houses. (Where the rent of any house exceeds the appropriate normal rent for that class a reference to the detailed estimate of the annual loss on houses provided by the local authority and the working of the average excess should be given. (*See* paragraph 13.))
Reference to the undertaking given by the person to whom the grant is to be paid that the conditions made by the local authority will be complied with.
Dates on which the houses first became occupied.

* The statutory period has now been extended beyond the 30th September, 1925, the date previously contemplated, but it is considered that the date to be included in the certificate should as a rule be a date not more than twelve months in advance of the date of the certificate.

Date or dates on which grant is to be paid. (It will be open to the local authority to pay the annual grant in two instalments.)

Reference to certificate given before payment of grant by the authorised officer of the local authority that the conditions have been observed.

In the case of houses not subject to special conditions particulars of the three forms of assistance mentioned in paragraph 19 (*b*) should be kept separate.

The certificate of the surveyor or other authorised officer, which should be carefully filed, should be in the following form :—

HOUSING ACTS, 1923 AND 1924.

CERTIFICATE OF COMPLETION OF HOUSES.

This is to certify that each of the houses described in the schedule below was completed fit for occupation before the date set opposite to the description of the house in that schedule ;

and that the houses have been measured by me, or under my instructions, in accordance with the rules prescribed by the Minister of Health ;

and that the superficial area of each of the houses as so measured is that set opposite to the description of the house in the schedule ;

and that the houses have been constructed in a proper and workmanlike manner, and in compliance with the requirements as to size, materials, type of construction, etc., prescribed by the Acts and by the Minister of Health ;

and that the houses are of entirely new construction, and do not contain or are not constructed for occupation with an office, shop, business premises, garage, stable, or similar building, and are not built to replace loss by fire ;

and that the houses are of a type for which a loan period of not less than sixty years is allowed by the Minister of Health, or which has been specially approved by the Minister of Health.

SCHEDULE.

Name and address of person entitled to grant.	Locality and description of each house.	Date of completion.	Superficial area.	Reference number for register.

Given under my hand this day of , 19 .

Signed.....

Surveyor or other Authorised

Officer of the Council.....

36. *Sanction to Loans.*

(*a*) *Loans for Schemes to be carried out by the Local Authority.*

Application should be made by resolution of the local authority, which should be accompanied by :—

Estimates (or, where tenders have been obtained, the tender prices) of the cost of land, roads, and sewers, buildings, etc.

Certificate of the surveyor, or other authorised officer of the local authority, that the houses comply with the conditions as regards size, materials and type of construction, etc., included in the Acts of 1923 and 1924 or described in this Circular.

If local authorities propose to write off the capital sum covered by subsidies from rates and taxes over a period of 40 years, the Minister will, instead of issuing separate sanctions for lands, roads, sewers and houses, be prepared to issue two sanctions, one, to cover an amount equal to the capitalised value of the estimated annual deficiency to be borne by the Exchequer and the rates for a period of 40 years, the other for the balance of the amount required for a period of 80 years.

(*b*) *Loans for Lump Sum Grants to Private Enterprise.*

Where it is proposed to make lump sum grants to private enterprise and the authority propose to borrow for this purpose, application for loan sanction, which should be made by resolution of the local authority, should accompany the particulars referred to in paragraph 34. The loan period sanctioned in these cases will be limited to 20 years.

(*c*) *Loans for purposes of Advances under Sect. 5 of the Housing, etc., Act, 1923, or the Small Dwellings Acquisition Acts.*

The following particulars should be supplied :—

Act under which application is made.

Estimated number of houses for which advances are likely to be made in the next six months.*

Percentage of value proposed to be advanced.

Rate of interest and terms of repayment.

Any other conditions which it is proposed to attach.

Whether advances will be made during construction.

37. *Sanction to Proposals for Guarantee to Building Society.*

The following particulars should be furnished :—

Name of society.

Number of houses.

Estimated value of houses (giving separate particulars for houses of various types).

Proportion of value to be advanced by building society.

Period for which advance is to be made.

Proportion of advance of which the repayment is to be guaranteed by the local authority and extent of liability of the local authority in the event of default of borrower.

When will local authority's guarantee terminate.

* Where a loan has already been sanctioned and application is being made for a further loan, particulars should be furnished showing the estimated value of the houses on which advances have already been made and the amount advanced in each case.

38. *Houses contracted for before passing of the Act.*

Sect. 2 (4) of the Act of 1924 provides that houses provided in pursuance of proposals approved by the Minister before the passing of the Act, if the contract for the construction of the houses was entered into, or in the case of houses constructed otherwise than under contract, the construction was begun after the 1st February, 1924, may, if the Minister so directs, be treated as if the approval had been given after the passing of the Act.

If the local authority have any houses coming within this category in respect of which they desire to obtain the benefits of the increased assistance available under the Act of 1924, it will be necessary for them to obtain the special approval of the Minister, and formal application for this purpose should be made forthwith whether or not a provisional approval has been given by the Minister during the passage of the Bill. The application should be accompanied by the following particulars :—

(1) Number of houses in respect of which application is made.
(2) Site or sites on which houses are being erected.
(3) (*a*) Where houses are being built by contract, the date on which the contract was signed.
(*b*) Where houses are being built by direct labour, certificate of the authorised technical officer of the local authority of the number of houses of which the construction was commenced after 1st February, 1924.
Total number of houses in scheme.
Date when scheme was commenced.
(4) Undertaking in the prescribed form that the special conditions will be observed.*

These cases should be specially noted in the local authority's register.

39. *Progress Returns.*

As indicated more fully in the opening paragraph of the Circular, the cost of houses and the rate of progress of their erection are matters of vital importance in connection with the working of the scheme and will necessarily be determining factors in the question of its continuance. It will, therefore, be of essential importance for the Minister to be kept fully acquainted with the actual progress and cost of the houses in approved housing schemes. It is proposed to continue, with some slight amendments, the use of the form of return which has been used in connection with the previous schemes, but the Minister desires to impress on the local authority the necessity of taking adequate steps to ensure under the present scheme that this form of return is promptly and regularly furnished. The Minister hopes that local authorities will not fail to appreciate the importance of these returns, having regard to the basis of the present scheme, and that he can rely on their co-operation in providing the information necessary for the Minister to test the working of the scheme.

* If strict compliance with the whole of the conditions is not practicable, *e.g.* insertion of fair wages clause in contracts, the extent of such non-compliance must be clearly stated in the application.

40. *Payment by Local Authority of Subsidies to Private Enterprise.*

No payments will be made until the houses have been completed fit for occupation. In the case of houses not subject to special conditions the lump sum payment may be made at any time after the certificate of completion has been issued, the first payment by way of an annual payment to the ratepayer, and the first payment to a building society will be made by instalments or otherwise during the first year of occupation of the house. In the case of houses subject to special conditions, the payment to the person entitled to the grant will similarly be made by instalments or otherwise during the first year of occupation of the house, and no payment should be made unless the local authority are satisfied that the special conditions continue to be observed.

41. *Payment of Government Contribution.*

Forms of application for claiming Exchequer subsidy will be supplied to the local authority. The subsidy will be payable after certificate by the district auditor. The first payment will be made in respect of the year or half-year during which payments of loan charges or other annual payments were made.

Pending certification of the claim by the district auditor, half-yearly payments will be made on account, after completion of the house.

Before paying a contribution in respect of any houses the Minister may, if he thinks fit, cause an inspection to be made of the houses by one of his officers.

An additional copy of this Circular is forwarded for the use of the authority's financial officer.

The Clerk to the Authority.

APPENDIX.

I.—*Conditions of Grant approved by the Treasury.*

The formal conditions as to records, certificates, audit or otherwise under Sect. 1 of the Act of 1923, approved by the Treasury, are as follows :—

(*a*) The houses must comply with the requirements of the Ministry as regards materials and type of construction as set out in paragraph 23 of Circular 520 ;

(*b*) The houses must be constructed in a proper and workmanlike manner ;

(*c*) The houses must be of entirely new construction, and may not contain or be constructed for occupation with an office, shop, business premises, garage, stable or similar building, and may not be in replacement of loss by fire ;

(*d*) Registers in the form set out in paragraphs 33 and 35 of Circular 520 must be kept by the local authority ;

(*e*) Certificates by an authorised officer of the authority in the form set out in paragraph 35 of Circular 520 must be obtained by the local authority in respect of all houses for which a subsidy is claimed ;

(*f*) The registers, all certificates and statements of estimated annual loss, and, where necessary, the plans, contracts and other documents, and in the case of assistance to private enterprise all relevant records and vouchers, must be submitted to the district auditor for examination ;

(*g*) The houses must be open to inspection when required by an officer of the Minister ;

(*h*) Any dispute arising in connection with the rules of measurement shall be determined by the Minister.

II.—*Rules for determining the Appropriate Normal Rent made by the Minister of Health under Sect.* 3 (3) *of the Housing* (*Financial Provisions*) *Act*, 1924.

(*See S. R. and O.*, 1924, *No.* 1362, *inserted below.*)

III.—*Rules made by the Minister of Health and approved by the Treasury under Sect.* 3 (1 and 2) *of the Housing* (*Financial Provisions*) Act, 1924.

(*See S. R. and O.*, 1924, *No.* 1363, *inserted below.*)

IV.—*Fair Wages Clause specified in the Resolution passed by the House of Commons on the* 10*th March*, 1909, *and applicable to Contracts of Government Departments.*

The contractor shall, under the penalty of a fine or otherwise, pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of the Fair Wages Clauses are being observed. The contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever, any portion of his contract without the written permission of the department. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited. The contractor shall be responsible for the observance of the Fair Wages Clauses by the sub-contractor.

S. R. AND O., 1924, No. 1362.

THE HOUSING (DETERMINATION OF APPROPRIATE NORMAL RENTS) RULES, 1924, DATED 3RD DECEMBER, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECT. 3 (3) OF THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

* * * * * *

2. The local authority shall obtain particulars of the current rents of working-class houses of all types erected in their district before the 3rd day of August, 1914, in such numbers and proportions as are, in their opinion, fairly representative of all those houses in the district : Provided that—

(i) for this purpose parlour and non-parlour houses shall be treated as separate classes ; and

(ii) if there are substantial differences in the rents payable in respect of houses in different parts of the area having similar accommodation, each of such parts shall for this purpose be treated as a separate area and appropriate normal rents shall be ascertained in respect of the houses in each of such parts accordingly.

3. The appropriate normal rent for each of the two classes of houses in the area or in any part of the area, as the case may be, shall be the average rent payable in respect of the houses of that class of which particulars have been obtained.

S. R. AND O., 1924, No. 1363.

HOUSING, ENGLAND.

THE HOUSING (FORM OF UNDERTAKING) RULES, 1924, DATED 3RD DECEMBER, 1924, MADE BY THE MINISTER OF HEALTH, WITH THE APPROVAL OF THE TREASURY, UNDER SECT. 3 (1) AND (2) OF THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

* * * * * *

2. (1) An undertaking for the purposes of sub-section (1) of Section 3 of the Housing (Financial Provisions) Act, 1924, shall be authorised by resolution of the local authority.

(2) The undertaking shall be in the following form :—

The Council, by resolution dated the day of 19 , undertake that the conditions set out in sub-section (1) of Section 3 of the Housing (Financial Provisions) Act, 1924, will be complied with in relation to the houses to be erected by them at

3. (1) An undertaking by the local authority for the purposes of sub-section (2) of Section 3 aforesaid shall be authorised by resolution of the local authority.

(2) The undertaking shall be in the following form :—

The Council, by resolution dated the day of 19 , undertake that the conditions set out in sub-section (2) of Section 3 of the Housing

(Financial Provisions) Act, 1924, will be complied with in relation to the houses the construction of which is being promoted by the said Council by a subsidy under the said Act.

4. (1) An undertaking by a society, body of trustees, or company for the purposes of sub-section (2) of Section 3 aforesaid shall be in writing and under seal.

(2) The undertaking shall be in the following form :—

The Society [Trustees *or* Company] hereby undertake that the conditions set out in sub-section (2) of Section 3 of the Housing (Financial Provisions) Act, 1924, will be complied with in relation to the houses to be erected by them at .

A NOVEL HOUSING SCHEME.

(From the "Justice of the Peace," of 22nd November, 1924.)

The Urban District Council of Caterham are endeavouring to solve the housing problem by a promising scheme which includes certain novel features. The houses are being built so that the lay-out takes the form of a garden suburb. They are semi-detached, and consist, in each case, of a hall, living room, kitchen, scullery and larder, on the ground floor, and three bedrooms and a bathroom on the upper floor. The internal fittings are contrived so as to ease the lot of the housewife. The lay-out has been carefully designed so as to provide variation in style and break away from the monotonous effect presented by long rows of identical fronts.

The houses are to be sold for £480 each, freehold; and arrangements have been made under which this capital liability may be liquidated by the payment down of a deposit of £40 and weekly instalments of 14*s.* 11*d.* for a period of twenty years. This weekly instalment will cover also the premium on a twenty years' insurance endowment for £440 on the life of the purchaser. Thus, whether the purchaser lives for twenty years or dies before the end of that period, the sum of £440 will be available for the purpose of liquidating the mortgage on the house.

There is a further important point. The Government subsidy of £6 per annum, under the Chamberlain Act, will be handed to the purchaser in quarterly instalments, provided the weekly amount of 14*s.* 11*d.* has been duly paid by him. Thus, in effect, the net weekly instalment payable to the Council will be reduced to 12*s.* 7*d.*

Under the scheme the purchaser will, in this manner, acquire a house by payments spread over twenty years, amounting in all to £754, as compared with the sum of £624, which would be the total amount payable during the same period were the house let to him at the ordinary rental chargeable.

So far the council have provided eighty-eight houses under this attractive scheme, which is, apparently, well worthy of imitation by other housing authorities.

CIRCULAR 555.

HOUSING AUTHORITIES AND COUNTY COUNCILS.

MINISTRY OF HEALTH,
30th January, 1925.

HOUSING ACTS.

GUARANTEES TO BUILDING SOCIETIES.

SIR,—I am directed by the Minister of Health to invite the attention of local authorities to an arrangement recently concluded with the Building Societies' Association with regard to the guarantees which may be given by local authorities to building societies under Sect. 5 (1) (b) of the Housing, etc., Act, 1923, as amended by the Second Schedule to the Housing (Financial Provisions) Act, 1924, and applied to County Councils by Sect. 12 of the last-named Act. Many persons desiring to build houses for their own occupation are unable to find the difference between the cost of building and the loan which a building society will normally advance under its rules, and the object of the guarantee is to enable the building society to make an additional advance, and so help to bridge the gap. Such guarantees may be given both for houses for the working-classes which would qualify for subsidy assistance, and also for houses of larger type, provided that the local authority's valuation of the mortgagor's interest in the property does not exceed £1,500. The houses for which guarantees may be given are new houses to be built either within or without the district of the local authority. The construction of the houses must not have been commenced before the 25th April, 1923.

The following is a summary of the arrangements which have been agreed between the Minister and the Building Societies Association :—

(1) The guarantee will apply in respect of the difference between the total loan to be advanced by the society and the loan which might normally have been advanced by the society under its rules without guarantee.

(2) The total loan to be advanced by the society with guarantee must not exceed 90 per cent. of the value of the mortgagor's interest in the property as assessed after a valuation made by the local authority in agreement with the building society.

(3) The local authority's liability under the guarantee will arise only if, upon the sale of the property by the society under the power of sale conferred upon them by the mortgage, the proceeds of the sale are insufficient to cover the principal, interest and costs due to the society under the mortgage.

(4) The local authority's maximum liability will then be the difference between the deficiency so arising on the sale and the deficiency which would have arisen if the total original loan had been that which the society would normally advance under its rules without guarantee.

(5) Within one calendar month after the happening of any of the events giving rise to the exercise of the power of sale under the mortgage, the building society shall give notice to the local authority and shall, if so required by the local authority, demand payment of the principal and interest owing on security of the mortgage and in default of payment proceed to the exercise of such power of sale. Subject to this, the building society may allow time to the mortgagor for payment.

(6) At any time after receipt of the notice mentioned in the preceding paragraph and during the continuance of the mortgage, the local authority may acquire the interest of the building society in the mortgage by payment to the society of the principal, interest and costs then owing on security of the mortgage.

(7) The guarantee will be determined when the amount of the loan has been reduced by repayment to 45 per cent. of the valuation.

The Building Societies' Association has prepared a model form of guarantee which embodies the arrangements agreed with the Minister, and this form of guarantee has been circulated to the building societies. The Minister has not accepted any responsibility for the precise form of the guarantee because he considers that this is a matter for the legal advisers of the local authority. He would be prepared to consider favourably proposals submitted to him by a local authority for a guarantee in this form, or in any form which, in the opinion of the local authority's advisers, gives effect to the above arrangements, and he would further be prepared to consider any minor modifications of these arrangements which may be thought necessary in view of any special local requirements.

Many building societies have considerable sums available for investment and the Minister has no doubt that co-operation between building societies and local authorities may have very useful results in encouraging the building of houses for their own occupation by those who have a small amount of savings available for investment.

I am, etc.

Return showing Numbers of Proceedings in the Period 1st August, 1923, to 31st March, 1924, in Actions for the Recovery of Possession of Tenements or Ejectment under Sects. 59, 138 or 139 of the County Courts Act, 1888. [Cmd. 2110.]—This Return was issued by the Ministry of Health in April, 1924. Copies are obtainable from usual sources, price 2*d.*

Report on the Present Position in the Building Industry, with regard to the carrying out of a full Housing Programme, having particular reference to the means of providing an Adequate Supply of Labour and Materials. [Cmd. 2104.]—This document was issued by the Ministry of Health in April, 1924. Copies are obtainable from usual sources, price 9*d.*

Report of Rents Tribunal, appointed under Article VII. (4) of the Local Authorities (Assisted Housing Schemes) Regulations, 1919. This document is dated 4th April, 1924, and was issued by the Ministry of Health. Copies are obtainable, price 1*s.*

New Methods of House Construction.—A Committee was set up, under the chairmanship of Sir Ernest Moir, to inquire into new methods of house construction. Two Interim Reports have been issued, copies of which are obtainable from usual sources for a few pence.

III.—CASES.

Improvement Scheme—Rent restriction—Order for possession—Alternative accommodation—Effect of Inconsistent Statutes passed on the Same Day—Housing, Town Planning, etc. Act, 1919, s. 35—*Increase of Rent and Mortgage Interest (Restrictions) Act*, 1920, s. 5 (*e*)—*Housing, etc. Act*, 1923, s. 16, *Schedule II.—Rent and Mortgage Interest Restrictions Act*, 1923, *s.* 4.] —Case stated by justices of the city of Exeter.

The appellant was the town clerk of Exeter and the respondent was the occupier of a cottage held on a weekly tenancy from the City Council at a rent of 6*s.* 6*d.* The council desired to obtain possession of the cottage, which formed part of an "unhealthy area," which it was proposed to demolish in pursuance of an improvement scheme duly made and approved under the Housing of the Working Classes Act, 1890. Notice to quit was duly given to the respondent but the council were unable to provide alternative accommodation, and contended that the ultimate effect of the sections hereinafter set out was to relieve them from the necessity of doing so when they sought possession in the execution of their powers under the Housing Acts. The justices found that the provision of alternative accommodation was necessary and refused to make the order.

Housing, Town Planning, etc. Act, 1919, Sect. 35: "Nothing in the Increase of Rent and Mortgage Interest War Restrictions Act, 1915, or in the enactments amending that Act, shall be deemed to affect the provisions of Sect. 17 of the Housing, Town Planning, etc. Act, 1909"—which deals with closing orders—"or to prevent a local authority from obtaining possession of any house the possession of which is required by them for the purpose of exercising their powers under the Housing Acts or under any scheme made under those Acts."

The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, Sect. 5 (1), "No order or judgment for the recovery of possession of any dwelling-house to which this Act applies . . . shall be made or given unless . . . (*e*) the landlord is a local authority . . . and the dwelling-house is reasonably required for the purpose of the statutory duties or powers of the authority . . . and the court is satisfied as aforesaid as respects alternative accommodation."

The Housing, etc. Act, 1923 (13 and 14 Geo. 5, c. 24), Sect. 16, Schedule II., amends Sect. 35 of the Housing, Town Planning, etc. Act, 1919, thus: "For the words '(War Restrictions) Act, 1915' there shall be substituted the words '(Restrictions) Act, 1920'."

This Act received the royal assent on 31st July, 1923. On the same day the royal assent was given to 13 and 14 Geo. 5, c. 32, the Rent and Mortgage Interest (Restrictions) Act, 1923, which, by Sect. 4, substitutes a new section for Sect. 5 of the Act of 1920. By the new Sect. 5 (1) (*e*) [no order, etc., shall be made unless] "the dwelling-house is reasonably required for the purpose of the execution of the statutory duties or powers of a local authority or statutory undertaking, or for any purpose which in the opinion of the court is in the public interest, and the court in either case is satisfied as aforesaid as respects alternative accommodation."

Section 20 of this Act provides that it is to be read as one with

the principal Act—*i.e.* the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.

HELD—that while it was deplorable that the occupier of a small tenement should have to thread a way through this "labyrinth of sections and schedules," yet the court came reluctantly to the conclusion that it was the intention of the legislature to preserve the right of a local authority, exercising its powers under the Housing Acts, to obtain possession of premises without giving alternative accommodation, and therefore the saving in the Housing, etc. Act, 1923, applied to the latter section in the Rent and Mortgage Interest (Restrictions) Act, 1923, which by Sect. 20 was to be read as part of the Act of 1920.

Appeal allowed.

PARRY *v.* HARDING, [1925] 1 K. B. 111; 88 J. P. Jo. 654; 94 L. J. K. B. 37; 88 J. P. 194; 41 T. L. R. 41; 69 Sol. Jo. 162; 22 L. G. R. 773; 158 L. T. Jo. 373—Div. Ct.

Dilapidations—Notice from Local Authority to Owner to Repair—Default—Work Done by Local Authority—Recovery of Expenses—Order for Payment by Instalments—Summary Proceedings for Recovery—Time Limit—Summary Jurisdiction Act, 1848, *s.* 11—*Housing, Town Planning, etc. Act*, 1919, *s.* 28 (3), (4).]—The appellants, a local authority, served on the respondent, an owner of houses in their area, a notice under Sect. 28 of the Housing, Town Planning, etc. Act, 1919, to do certain repairs, and, as the respondent failed to comply, the appellants did the work themselves, for which the respondent agreed to pay by quarterly instalments. The first instalment was paid in December, 1922, and no further instalments having been paid, the appellants in August, 1923, made an order under Sect. 28 (4) of the same Act declaring the expenditure to be payable by monthly instalments. The first monthly instalment not having been paid, the appellants took summary proceedings in November, 1923, for its recovery. The magistrate dismissed the summons on the ground that by sending the account in July, 1922, the appellants had elected to recover the money under Sect. 28 (3), and that since they had not taken proceedings within six months from that date as provided by Sect. 11 of the Summary Jurisdiction Act, 1848, they could not proceed under Sect. 28 (4):

HELD—that Sub-sects. (3) and (4) of Sect. 28 of the Housing, Town Planning, etc. Act, 1919, were not mutually exclusive, and the remedies given by the two subsections were intended to be additional and cumulative.

Wilson v. *Bolton Corpn.* (1871), L. R. 7 Q. B. 105, distinguished.

Decision of the Div. Ct., [1924] W. N. 190, affirmed.

SALFORD CORPN. *v.* HALE, [1925] 1 K. B. 503; W. N. 329; 41 T. L. R. 157; 69 Sol. Jo. 192; 158 L. T. Jo. 486; 88 J. P. Jo. 717—Ct. of App.

Housing Scheme — Contract to Build Specified Number of Houses—Notice to Determine upon Completion of First Section of Houses—Validity.]—A contract to erect 154 houses was made on 4th October, 1920, between the plaintiffs and the defendants, with power to the architect to determine the order of progress of the work, and with provisions to reimburse the contractors for money out of pocket should the work be stopped. Clause 20 of the contract, which was on a form provided by the Ministry of Health, was as follows: "(1) If for any reason it appears to the employers expedient that the agreement should be determined, the employers may . . . subject to the consent of the Ministry of Health, determine the agreement by giving not less than fourteen days' notice to the contractor." Difficulties having arisen as to finding the money, the defendants gave the plaintiffs "formal notice under clause 20 to determine the contract . . . at the completion of the first section of 70 houses":

HELD—(Sargant, L.J., dissenting) that the notice was such as was contemplated by the parties by the language of clause 20, the

determinable date being on the completion of the seventy houses, and was therefore valid.

HENRY BOOT & SONS (LONDON), LTD. *v.* UTTOXETER URBAN DISTRICT COUNCIL (1924), 88 J. P. 118; 68 Sol. Jo. 684; 22 L. G. R. 303; 59 L. Jo. 195; 157 L. T. Jo. 257—C. A.

Housing Scheme—Architect's Fees—General Housing Memorandum No. 4—Memorandum of Royal Institute of British Architects.]—The plaintiff, an architect, sued the defendant council for the balance of fees amounting to £3,215 10*s.*, alleged to be due under a retainer in a housing scheme instituted by the council. The scheme provided for 400 houses, of which 153 were, in fact, erected. In 1919 the council agreed to employ the plaintiff, the fees to be according to the rules laid down by the Royal Institute of British Architects. The plaintiff subsequently agreed to the method of remuneration being varied by Memorandum 4, issued by the Ministry of Health. The two questions raised were (1) what was the proper remuneration for the houses erected; (2) for those abandoned; and the questions depended on the construction of the contract. Clause C of Memorandum No. 4 provided for a payment of 5 per cent. on the first twelve cottages, 2½ on the next 60, and 1½ on the remainder. The plaintiff claimed 5 per cent. on those houses for which contracts were first signed in point of time.

HELD—that the scale must be according to the scale laid down by the Ministry of Health, though the Memorandum of the Institute might be looked at to see what the conditions of engagement were. As regards the abandoned houses, the plaintiff was only entitled to be paid on a *quantum meruit*. The principles on which payment was to be made must be decided in favour of the defendants' contentions.

ELKINGTON *v.* WANDSWORTH CORPORATION, 88 J. P. Jo. 702; 41 T. L. R. 76.

IV.—DEPARTMENTAL DECISIONS.

Measuring the Superficial Area of Houses.

The Ministry of Health wrote to a rural district council, in reply to an inquiry, stating that if a completed house does not exceed the maximum when measured within the plastered walls, the house need not be excluded on that ground, but in order to provide some additional margin beyond that ordinarily allowed for to meet unavoidable deviations from plan in the completed building, the plans should continue to be prepared on the basis of measurement from brick dimensions.

Subsidies for "Working-Class" Houses only.

The Ministry of Health stated that local authorities should ensure that housing subsidies were granted only in respect of houses for the working-classes. The Ministry declined to define the term "working-classes," but stated that a local authority must satisfy themselves that the houses in respect of which a subsidy is claimed cannot be erected without assistance, and are likely to be occupied by working-class persons. Some authorities had fixed the maximum selling value of houses eligible for subsidies at a rate not exceeding £600. The Ministry object to regarding a house with a selling value of £750 as meeting a genuine working-class need and as eligible for financial assistance.

INFANTS.

See "CHILDREN."

INSURANCE (HEALTH).

See also "POOR LAW."

I.—STATUTES.

NATIONAL HEALTH INSURANCE ACT, 1924. 14 & 15 Geo. 5, c. 38.

This Act, which was one of several measures which were referred to a Joint Committee of both Houses, and which received the Royal Assent on 7th August, 1924, effects the needed consolidation of the following Acts, which are repealed :—

National Insurance Act, 1911 ; National Insurance Act, 1913 ; National Insurance (Part I. Amendment) Act, 1915 ; National Insurance (Part I. Amendment) Act, 1917 ; National Health Insurance Act, 1918 ; National Health Insurance Act, 1919 ; National Health Insurance Act, 1920 ; National Health Insurance Act, 1921 ; National Health Insurance Act, 1922.

It thus comprises in its 150 pages of printed matter the legislation previously contained in a considerable number of Acts. The new enactment is, of course, too long for insertion in this work.

NATIONAL HEALTH INSURANCE (COST OF MEDICAL BENEFIT) ACT, 1924. 14 & 15 Geo. 5, c. 10.

[Royal assent, 29th May, 1924.]

1.—(1) There shall, in respect of each year during which this Act continues in force (*a*), be paid—

(*a*) to insurance committees in England on account of the cost, and the expenses of the administration, of medical benefit (*b*), by way of addition to the sums payable under subsection (1) of section seven of the National Health Insurance Act, 1920, and, subject to such conditions as may be prescribed, a sum at such yearly rate as may be prescribed, but not exceeding two shillings and twopence three farthings per year, in respect of each of the total number of the persons in respect of whom payments are made under the said section seven (in this Act referred to as "the total number of persons for the purposes of the said section seven"); and

(*a*) *I.e.* from January 1st, 1924, to December 31st, 1926, except s. 3, which is to be deemed to have effect from January 1st, 1923, to December 31st, 1925. See s. 6 (2), *post*.

(*b*) Administration of medical benefit is now regulated by s. 24 of the National Health Insurance Act, 1924.

(*b*) to the Minister of Health, on account of the expenses incurred by him in connection with the administration of benefits, a sum at such yearly rate as may be prescribed, but not exceeding three halfpence per year, in respect of each of the total number of persons for the purposes of the said section seven.

(2) Such part of the sums to be paid as aforesaid as is not defrayed in pursuance of section three of the National Health Insurance Act, 1911 (*c*), out of moneys provided by Parliament (hereinafter referred to as "the balance") shall in each year be provided as follows, that is to say:—

(*a*) there shall be paid by each approved society an amount representing a charge at the rate of seven-ninths of twopence in respect of each of the total number of persons in respect of whom payments are made by the society under the said section seven:

(*b*) there shall be paid out of the moneys in the Central Fund representing sums carried to that fund under section twenty-nine of the National Health Insurance Act, 1918 (which provides for the disposal of sums unclaimed in the Stamp Sales Account), as amended by this Act (*d*), an amount representing a charge at the rate of seven-ninths of one shilling and eightpence farthing in respect of each of the total number of persons for the purposes of the said section seven:

(*c*) the residue of the balance shall be paid out of the sums standing to the credit of the Income Account of the National Health Insurance Fund (Investment) Account in the books of the National Debt Commissioners kept in accordance with the regulations made by the Treasury under subsection (3) of section fifty-four of the National Insurance Act, 1911 (*e*).

(3) There shall, in respect of every member of an approved society who has attained the age of seventy years in respect of every year during which this Act continues in force, be paid to the Reserve Suspense Fund out of moneys in the Central Fund representing sums carried to that Fund as aforesaid and out of the Income Account mentioned in paragraph (*c*) of the last preceding subsection, amounts at the like rates at which payments are to be made out of the said Fund and the said Account under paragraph (*b*) and paragraph (*c*) respectively of the said subsection.

2. Out of the residues of the sums unclaimed in the Stamps Sales Accounts for England, Scotland and Wales respectively, which residues are under section twenty-nine of the National Health Insurance Act, 1918, to be applied in such manner as may be prescribed, there

(*c*) S. 3 of the National Insurance Act, 1911, in this sub-section referred to as the "National Health Insurance Act, 1911" (presumably in error), is now replaced by s. 4 of the National Health Insurance Act, 1924.

(*d*) See s. 2, *infra*.

(*e*) S. 54 (3) of the National Insurance Act, 1911, is now replaced by s. 65 (2) of the National Health Insurance Act, 1924.

shall be paid forthwith into the Central Fund the sum of one hundred thousand pounds, and the sum so to be paid shall be apportioned between the said Accounts for England, Scotland and Wales respectively in such manner as the National Health Insurance Joint Committee may direct.

3.—(1) Such part as the National Health Insurance Joint Committee may direct of the sums which under section twenty-nine of the National Health Insurance Act, 1918, are to be carried to the Central Fund shall, instead of being so carried, be credited to approved societies in accordance with a scheme to be made by the said Committee with the approval of the Treasury, and any sums credited under this section to an approved society shall be applied by the society in such manner as the scheme may provide for the purpose of preventing such members of the society as are in arrears from being or continuing to be suspended from benefit.

(2) This section shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-three, and shall continue in force until the thirty-first day of December, nineteen hundred and twenty-five.

4. There shall, out of moneys in the Central Fund representing sums carried to that Fund under section twenty-nine of the National Health Insurance Act, 1918, as in force in Northern Ireland, be paid to the Ministry of Labour for Northern Ireland to be applied for the purposes of national health insurance in Northern Ireland in such way as the Parliament of Northern Ireland may direct, such sums as the National Health Insurance Joint Committee shall determine to be proper to be so paid, having regard to the sums paid out of moneys in the Central Fund under this Act for the purposes of national health insurance in Great Britain.

* * * * * *

(2) This Act shall (save as therein otherwise expressly provided) be deemed to have had effect as from the first day of January, nineteen hundred and twenty-four, and shall continue in force until the thirty-first day of December, nineteen hundred and twenty-six.

The Expiring Laws Continuance Act, 1924, continued until 31st December, 1925, the National Health (Prolongation of Insurance) Act, 1921.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

COURT OF INQUIRY INTO THE REMUNERATION OF INSURANCE PRACTITIONERS.

We, the undersigned being the Court of Inquiry appointed by a minute of the Minister of Health and the Secretary for Scotland dated the 12th December, 1923, have inquired into the matter mentioned in such minute and hereby report that the amount of the capitation fee per insured person per annum on the basis of

which the Central Practitioners Fund under Article 19 of the National Health Insurance (Medical Benefit) Regulations, 1924, should be calculated as from the 1st January, 1924, so as to afford adequate remuneration for the time and service to be given by general practitioners under the conditions set out in those Regulations in connection with the medical attendance and treatment of insured persons due regard being had to the service in fact rendered under the Regulations hitherto in force (such capitation fee not to include any payment in respect of the supply of drugs and appliances nor any payments to meet the special conditions of practice in rural and semi-rural areas) is nine shillings.

In the course of the inquiry it was stated on behalf of the Minister of Health and the Secretary for Scotland and on behalf of the British Medical Association that our finding was only intended to be binding for the year from the 1st January, 1924, to the 31st December, 1924, but that both parties desired the Court to make a recommendation covering such longer period as we should think fit.

We therefore recommend that the capitation fee of nine shillings so found by us should remain in force for a period of three years from the 31st December, 1924.

T. R. HUGHES.
F. C. GOODENOUGH.
GILBERT GARNSEY.
23rd January, 1924.

R. H. CROOKE,
Secretary to the Court.

S. R. AND O., 1924, No. 398.

THE NATIONAL HEALTH INSURANCE (MEDICAL BENEFIT) REGULATIONS, 1924,* DATED 7TH APRIL, 1924, MADE BY THE MINISTER OF HEALTH UNDER THE NATIONAL HEALTH INSURANCE ACTS, 1911 TO 1922, RELATING TO THE ADMINISTRATION OF MEDICAL BENEFIT.

PART I.

General.

* * * * * *

PART II.

General Arrangements for Provision of Medical Benefit.

3. The Committee, after consultation with the Local Medical Committee and Panel Committee, shall prepare a statement of the terms upon which it is proposed to invite practitioners to undertake service and shall submit the draft of such statement to the Minister for his approval, together with such observations thereon, if any, as the Local Medical Committee or Panel Committee may have requested the Committee to transmit to the Minister. The terms of service shall include the provisions contained or referred

* These Regulations supersede the Provisional Regulations entitled the National Health Insurance (Medical Benefit) Regulations (No. 2), 1923, which were made on 18th December, 1923, and came into force on 1st January, 1924.

to in Part I of the First Schedule to these Regulations, and the statement shall set out or refer to all such provisions: Provided that the Committee may, if they think fit and subject to the approval of the Minister, make any modifications in, or additions to, any of the provisions specified in Part I of the said Schedule, whether in the case of individual practitioners or otherwise.

4.—(1) The Committee shall prepare a list, to be called the "Medical List," of the practitioners (in these Regulations referred to as "insurance practitioners") who have notified the Committee that they have accepted service upon the terms of service offered by the Committee and approved by the Minister.

(2) The medical list shall contain, in addition to the names of insurance practitioners—

(*a*) the private address, and the address of any surgery, dispensary, or other place, at which the practitioner undertakes to attend for the purpose of treating insured persons;

(*b*) particulars of the days and hours at which he undertakes to be in attendance at each place; and

(*c*) where two or more practitioners intend to practise in partnership, as defined in the terms of service for practitioners, the name of the firm or partnership;

(*d*) the name and address of any assistant whose name the Committee may require to be placed on the medical list, with a reference to the name and address of the principal;

and may, if the Committee think fit, be so arranged as to show the part of the County in which each practitioner undertakes treatment.

(3) Copies of the medical list shall be available for the inspection of insured persons at the office of the Committee and at such other places as appear to the Committee to be convenient for informing all persons interested, and shall be kept revised up-to-date.

(4) The Committee shall send a copy of the medical list to the Minister and shall, as soon as may be, inform him of any alteration which may from time to time be made therein. The Committee shall also send a copy of the list to the Panel and Pharmaceutical Committees and to each person, firm or body corporate undertaking the supply of drugs or appliances to insured persons, or if the list is arranged by reference to districts, shall send that portion of the list which relates to the district in which the place of business of such person, firm or body corporate is situated. At intervals of not more than three months the Committee shall notify each such person, firm or body corporate of any alterations made in the medical list, or in the relevant portion of the list.

5. The medical and surgical appliances to be provided as part of medical benefit shall be the appliances specified in the Second Schedule to these Regulations.

6. For the purpose of enabling arrangements to be made for the supply of drugs and appliances of proper quality, the Minister shall cause to be prepared a statement (in these Regulations referred to as "the Drug Tariff") which shall include—

(*a*) the prices on the basis of which the payment for drugs and appliances ordinarily supplied is to be calculated;

(*b*) the method for calculating the payment for drugs not mentioned in the Drug Tariff;

(*c*) dispensing or other fees payable in respect of the supply of drugs and appliances;

(*d*) standards of quality for drugs and appliances ordinarily supplied.

The prices referred to in paragraph (*a*) may be fixed prices or may be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost price of drugs and appliances.

7. The Committee, after consultation with the Pharmaceutical Committee, shall prepare a statement of the terms upon which it is proposed to invite persons, firms, or bodies corporate to undertake the supply of drugs and appliances, and shall submit the draft of such statement to the Minister for his approval, together with such observations thereon, if any, as the Pharmaceutical Committee may have requested the Committee to transmit to the Minister. The terms of service shall include the Drug Tariff, as from time to time determined by the Minister, and the provisions contained or referred to in the Third Schedule to these Regulations, with such modifications, if any, as the Committee may, subject to the approval of the Minister, think fit, and the statement shall set out or refer to all such provisions.

8.—(1) The Committee shall, after consultation with the Pharmaceutical Committee, prepare a list of the names and places of business of the persons, firms and bodies corporate (in these Regulations referred to as " persons supplying drugs or appliances ") who have notified the Committee that they will undertake the supply of drugs or appliances on the terms offered by the Committee and approved by the Minister, and the list shall indicate whether they have undertaken to supply drugs or appliances or both, and shall distinguish those who are entitled to dispense medicines, and shall also indicate the days and hours on which the several places of business are open.

(2) Copies of the list shall be available for the inspection of insured persons at the office of the Committee and at such other places as appear to the Committee to be convenient for informing all persons interested, and shall be kept revised up to date.

(3) The Committee shall send a copy of the list to the Minister and shall, as soon as may be, inform him of any alteration which may from time to time be made therein. The Committee shall also send a copy of the list to the Panel and Pharmaceutical Committees and to each insurance practitioner, or if the list is arranged by reference to districts, shall send that portion of the list which relates to the district in which such practitioner carries on medical practice. At intervals of not more than one year the Committee shall notify each such practitioner of any alterations made in the list, or in the relevant portion of the list.

9.—(1) The Committee and the Pharmaceutical Committee shall jointly prepare a scheme for securing that one or more places of business of persons supplying drugs or appliances in each district shall at all reasonable times be open to insured persons, and for this purpose the scheme shall specify the days and hours on and at which such places shall be open, and, subject to the approval of the Minister, the scheme shall form part of the terms of service of persons supplying drugs or appliances.

(2) In the event of the Committees failing to agree on the scheme, the matter shall be referred to the Minister, whose determination shall be final.

(3) Subject to the approval of the Minister, the scheme may from time to time be amended jointly by the Committee and Pharmaceutical Committee, or, in default of agreement between the two Committees, by the Minister, and the provisions of the scheme for the time being in force shall form part of the terms of service for persons supplying drugs or appliances.

10.—(1) Where the Committee are satisfied that an insured person, by reason of distance or inadequacy of means of communication, will have serious difficulty in obtaining any necessary drugs or appliances from a chemist on the list of persons supplying drugs or appliances, the Committee shall require the practitioner in whose list the insured person is included to supply to that person until further notice such drugs and appliances as would otherwise under these Regulations have been supplied by a person supplying drugs or appliances.

(2) In the case of an insured person who is resident in a rural area at a distance of more than one mile from the nearest chemist on the list of persons supplying drugs or appliances, the Committee shall decide whether he shall be entitled to obtain drugs and appliances from the practitioner in whose list he is included or from a chemist on the list of persons supplying drugs or appliances, and shall give notice to such insured person accordingly, and the notice shall state that he may elect to adopt the alternative method of obtaining drugs and appliances by giving notice to the Committee within seven days of the receipt of the Committee's notice.

(3) The decision of the Committee shall hold good unless the insured person gives notice within the said period of his desire to adopt the alternative method, and if the method decided upon by the Committee or adopted by the insured person is that of a supply of drugs and appliances by the practitioner the Committee shall require the practitioner to supply to that person, until further notice, such drugs and appliances.

(4) The Committee may, if they think fit, and shall, if requested to do so by the Panel or Pharmaceutical Committee, appoint a Sub-Committee (in these Regulations referred to as the " Dispensing Sub-Committee "), and shall delegate to that Sub-Committee, subject to such conditions, if any, as they may impose, the powers conferred on the Committee by this Article :

Provided that the Dispensing Sub-Committee, if appointed, shall be constituted in the following manner, namely :—

(i) two members shall be appointed by and from the members of the Committee who represent insured persons ;

(ii) two members shall be practitioners appointed by the Panel Committee ;

(iii) two members shall be registered pharmacists appointed by the Pharmaceutical Committee ;

(iv) a Chairman shall be selected from the neutral members of the Committee (as defined in Part V of these Regulations) and the selection shall be made by the persons appointed to be members of the Sub-Committee or, in default of selection being made by those persons, by the neutral members of the Committee.

(5) Notwithstanding anything contained in this Article,—

(*a*) a practitioner shall not be required to undertake the supply of drugs and appliances under this Article if he satisfies

the Committee or, on appeal, the Minister that he is not in the habit of dispensing drugs for patients other than insured persons, or in the case of a person applying under paragraph (2) of this Article that the applicant can with at least equal facility obtain a supply of drugs and appliances from a chemist on the list of persons supplying drugs and appliances; and

(*b*) a practitioner shall be entitled to receive reasonable notice from the Committee that he is required to undertake the supply of drugs and appliances or that such supply is to be discontinued.

11. In the case of an institution which has been, or may hereafter be, approved by the Minister and the Committee under Section 15 (4) of the principal Act, it shall be a condition of the continued approval of the Minister that the institution shall be conducted in such manner as to comply with the terms of service of insurance practitioners, so far as the same are applicable, and with such other conditions, if any, as the Minister may from time to time impose. Any such terms and conditions shall be deemed to be incorporated in and form part of the rules of the institution.

12. The provisions with regard to the power of the Committee to allow persons to make their own arrangements for obtaining treatment and to require persons whose income exceeds a limit to be fixed by the Committee to make their own arrangements, and with regard to the method by, and conditions under, which any person who is allowed or required to make his own arrangements may receive a contribution towards the cost thereof are contained in the Fourth Schedule to these Regulations.

13. The Committee shall cause to be published, in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Committee, including a statement of the places where copies of the terms of service for insurance practitioners and persons supplying drugs and appliances, and copies of the medical list, of the list of persons supplying drugs or appliances, and of a list of approved institutions, may be seen, and where any forms of application necessary to be obtained by insured persons are available, and a statement as to any income limit fixed by the Committee, and any other particulars which the Committee think proper.

PART III.

Methods of obtaining Medical Benefit, etc.

14.—(1) Application by an insured person for acceptance by an insurance practitioner and inclusion in his list shall be made by the insured person, either personally or by an agent, delivering his medical card to the practitioner in person.

(2) Application by an insured person to receive treatment through an approved institution shall be made by his similarly delivering the medical card to the secretary or other officer of the institution.

15.—(1) The Committee and the Panel Committee shall jointly prepare a scheme (hereinafter referred to as the "Allocation Scheme") which shall provide for the following matters—

(*a*) the constitution of a sub-committee of the Committee consisting of equal numbers of persons appointed by the Committee and the Panel Committee respectively and of a chairman, and the assignment to such sub-committee of such powers and duties relating to the administration of the scheme as may be specified therein ;

(*b*) the steps to be taken by an insurance practitioner to enable an insured person, who has applied for and been refused acceptance by him, to be accepted by or assigned to an insurance practitioner ;

(*c*) the provision of any treatment required by the insured person pending such acceptance or assignment ;

(*d*) the period within which notice of acceptance of an insured person is to be given to the Committee by any insurance practitioner ;

(*e*) the assignment to an insurance practitioner of any insured person entitled to select a practitioner who applies for assignment ;

(*f*) the assignment, so far as practicable, to an insurance practitioner of any insured person who is entitled, but after receiving from the Committee such notice as may be specified in the scheme has failed or neglected, to select a method of treatment ;

(*g*) the provision of treatment by an insurance practitioner where neither the insurance practitioner responsible for providing treatment nor his deputy is available for giving treatment immediately necessary owing to an accident or other sudden emergency ;

(*h*) the restrictions, if any, to be imposed on the right of an insurance practitioner to require the removal of an insured person from his list in such cases as the scheme may specify as being likely to involve hardship on the insured person owing to his condition of health at the date when the removal would take effect ;

(*i*) such incidental or consequential provisions as may be deemed necessary.

(2) The Allocation Scheme shall also provide for a limit to be placed on the number of insured persons who may be placed on the list of an insurance practitioner and, except in cases in which owing to special circumstances the Committee with the approval of the Minister otherwise permit, the scheme shall not permit the following maximum numbers to be exceeded, namely :—

(*a*) in the case of an insurance practitioner carrying on insurance practice otherwise than in partnership the number of insured persons on his list shall not exceed 2,500 ; and

(*b*) in the case of two or more insurance practitioners carrying on practice in partnership the number on the list of any one of such practitioners shall not exceed 3,000 and the average of the numbers on the lists of both or all the partners shall not exceed 2,500 :

Provided that where an insurance practitioner or a partnership of insurance practitioners employs one or more permanent assistants, the additional number of insured persons for whose treatment the insurance practitioner or practitioners may be responsible shall not exceed 1,500 in respect of each such assistant.

(3) The Allocation Scheme shall also provide for enabling a practitioner, the number of persons on whose list exceeds the limit, to make arrangements within a specified period for bringing the number within the limit, either by securing the services of a practitioner as partner, or by engaging a permanent assistant, or by reducing the number of persons on his list, and may include, if the circumstances so require, provision for fixing different limits in different parts of the area and for determining the limit in the case of a practitioner whose insurance practice extends over districts in which different limits operate, and for securing the necessary consultation and co-ordination in this respect between the Committee and Committees in adjoining areas.

(4) In the case of an area in which a system of payment of insurance practitioners by reference to attendances given and services rendered is adopted the foregoing provisions with regard to the limitation of practitioners' lists shall not apply, but the Allocation Scheme shall contain such corresponding provisions for limiting the number of insured persons for whose treatment a practitioner may undertake responsibility as the Minister may approve.

(5) In the event of the Committee and Panel Committee failing to agree on any provision of the Allocation Scheme the matter shall be referred to the Minister, whose determination shall be final.

(6) The provisions of the Allocation Scheme shall be subject to the approval of the Minister and, if so approved, shall be incorporated in and form part of the terms of service of insurance practitioners.

(7) Subject to the approval of the Minister, the Allocation Scheme may from time to time be amended jointly by the Committee and Panel Committee or, in default of agreement between the two Committees, by the Minister, and the provisions of the scheme for the time being in force shall form part of the terms of service for insurance practitioners.

(8) If the Committee and the Panel Committee fail to submit an Allocation Scheme to the Minister within a reasonable time, the Minister may determine a scheme, and such scheme shall have effect within the area of the Committee as though it had been agreed by the Committee and the Panel Committee and approved by the Minister.

16.—(1) An insured person, other than a member of an institution or a person who is permitted or required to make his own arrangements for obtaining treatment, may at any time make application for acceptance by an insurance practitioner, notwithstanding that he is at the date of application included in the list of another practitioner, and if accepted shall forthwith be entitled to obtain treatment from the practitioner to whom application has been made.

(2) If an insured person

(*a*) being included in the list of an insurance practitioner desires to obtain treatment through an institution or to apply for permission to make his own arrangements for obtaining treatment, or

(*b*) being a member of an institution desires to obtain treatment from an insurance practitioner or through another institution or to apply for permission to make his own arrangements for obtaining treatment, or

(*c*) being a person permitted to make his own arrangements for obtaining treatment desires to obtain treatment from an insurance practitioner or through an institution,

he shall give notice in writing to the Committee, on or before the last day of May or November, and shall be entitled to change his method of obtaining treatment (subject in the case of a person applying to make his own arrangements to the consent of the Committee) as from the end of June or December next following.

(3) If an insured person's name is removed by the Committee from the list of a practitioner owing to the death or removal or withdrawal from the medical list of the practitioner, or is removed from the list of an institution owing to the institution ceasing to be approved, the insured person shall thereupon become entitled to apply to another practitioner for acceptance or to apply to receive treatment through an institution or to apply to the Committee for permission to make his own arrangements for obtaining treatment, and the Committee shall give him notice of his rights in this respect, and in cases in which the removal is due to the withdrawal from the medical list or death of the practitioner, the notice shall comply with the requirements, if any, made by the practitioner or his representative under the powers conferred on him by the terms of service.

(4) A notice issued by the Committee to an insured person under this Article shall be deemed to have been duly received by him if it has been sent by post or delivered to or at his last known address, unless he satisfies the Committee that at the date of the issue of the notice he had ceased to reside at that address.

(5) The insured person and the insurance practitioner in whose list he is included may at any time, by consent, arrange for the insured person's transfer to an institution which is willing to accept him as a member, and notice of the transfer shall be given to the Committee by the institution on a form to be provided by the Committee for the purpose and to be signed by the insured person, the practitioner and an officer of the institution. Such notice shall be sent to the Committee within seven days of the date on which it is accepted by the institution, which shall become responsible for the treatment of the insured person from the date of acceptance.

The foregoing provision shall apply *mutatis mutandis* to a transfer by consent of a member of an institution to the list of an insurance practitioner.

17. If an insured person whose name is included in the list of an insurance practitioner or of an institution removes, whether permanently or temporarily, outside the district within which the practitioner or the institution has undertaken to provide treatment, he shall be entitled to select another practitioner or method of obtaining treatment, and, if the removal is permanent, his name shall be removed from the list of the practitioner or institution as from the date on which the Committee receive notice that he has been accepted by or assigned to another practitioner or institution or, if he has removed to the area of another Committee, that he has been permitted to make his own arrangements for obtaining treatment. If the removal is temporary only, the insured person's name shall not be removed from the list of the practitioner or institution in which it is included.

For the purpose of these Regulations the removal of an insured person outside the district referred to above shall be deemed to be

temporary if at the date when the person removes he intends to be absent for a period of less than three months, and the expression " temporary resident " has a corresponding meaning.

18.—(1) The Committee shall prepare and keep revised up to date a list of persons for whose treatment each insurance practitioner or institution is for the time being responsible, and shall from time to time furnish the practitioner or institution with information in such form as the Minister may determine with regard to persons included in or removed from such list.

(2) Any deletion resulting from an insured person ceasing for any reason to be entitled to, or being suspended from, medical benefit shall take effect as from the date on which notice of the deletion is sent by the Committee to the practitioner or institution, or from such other date, not being earlier than that date, as may be specified in the notice.

PART IV.

Financial Provisions.

19. Out of the sums available for defraying the cost of medical benefit the Minister shall, (*a*) determine, after consultation with the Government Actuary, the amount (hereinafter referred to as the " Central Practitioners' Fund ") to be appropriated for defraying the cost of the treatment to be provided during the year by insurance practitioners to insured persons, and (*b*) determine the amount to be appropriated for payments to insurance practitioners in respect of mileage (hereinafter referred to as " the Central Mileage Fund ") :

Provided that the Minister may, if it appears to him that the circumstances so require, make a provisional determination for any year either before or as soon as possible after the commencement of the year, and may at the end of the year credit the said Funds with any supplemental amounts which may be ascertained by him to be due ; and in that event a corresponding procedure may be adopted for distributing the said Funds amongst Committees and for distributing the Committee's Practitioners' Funds and Mileage Funds.

20. Out of the sums available for defraying the expenses of administration of Committees, the Minister shall apportion to each Committee in respect of each year such sum as may be fixed by or in accordance with a scheme to be made by the Minister with the approval of the Treasury, and in determining the basis of apportionment the Minister shall have regard to the basis on which payments are made to Committees under Articles 22 and 25 of, and the Fourth Schedule to, these Regulations.

21.—(1) It shall be a condition of the payment of any money to the Committee for defraying the cost of medical benefit that a medical service satisfactory to the Minister is provided, and that insurance practitioners and persons supplying drugs or appliances observe the terms of service as prescribed in any Regulations for the administration of medical benefit for the time being in force, and that approved institutions and persons making their own arrangements for obtaining treatment fulfil any conditions prescribed by or in pursuance of those Regulations.

(2) Out of money available for defraying the cost of medical benefit which is not paid to a Committee owing to a breach of any of the above-mentioned conditions, the Minister may, with the

consent of the Treasury, apply such sums as he thinks fit towards meeting any exceptional expenses of Committees in the administration of medical benefit, including expenses in connection with hearings before Medical Service, Pharmaceutical Service, and Joint Services Sub-Committees, and payments to practitioners in respect of attendances before referees under Clause 9 (13) of the said terms of service.

22.—(1) The Minister shall appoint a Committee consisting of insurance practitioners and other persons (hereinafter referred to as the "Distribution Committee") whose duty it shall be to consider, having regard to the distribution of the insured population, the basis on which and the proportions in which the Central Practitioners' Fund and the Central Mileage Fund should be distributed amongst the several Committees. In considering such distribution the Distribution Committee shall have regard to any representations made to them by any Committee or Panel Committee on the matter. The Panel Committee shall have power to incur reasonable expenses in obtaining information from any insurance practitioners in the area or from other sources to enable such representations to be made to the Distribution Committee.

(2) The Minister shall appoint the Chairman of the Distribution Committee, and the procedure of the Committee shall be such as they may from time to time determine.

(3) The members of the Distribution Committee shall hold office during the pleasure of the Minister, and the Minister shall have power to fill casual or other vacancies as they occur.

(4) The Distribution Committee shall, before the commencement of each year, report to the Minister as to the basis on which and proportions in which the Central Practitioners' Fund shall be distributed amongst the several Committees for the year, and shall similarly report to the Minister as to the Committees which are entitled to share in the distribution of the Central Mileage Fund and as to the basis on which and proportions in which that Fund should be distributed amongst those Committees.

(5) After considering such reports the Minister shall determine the distribution of the two Funds amongst Committees, and the amount allotted to each Committee from the Central Practitioners' Fund shall be credited to a fund in their books to be called the Practitioners' Fund, and the amount, if any, allotted to each Committee from the Central Mileage Fund shall be credited to a fund in their books to be called the Mileage Fund :

Provided that if, owing to any failure on the part of the Committee to provide an adequate medical service or to the failure or neglect of an insurance practitioner to comply with the terms of service, any sum payable to the Committee is withheld, the amount to be allotted to the Committee from the Central Practioners' Fund shall be correspondingly reduced.

23. The Committee and Panel Committee shall jointly prepare a scheme in accordance with the provisions contained in Part II of the First Schedule to these Regulations, and the provisions of these Regulations with regard to the joint preparation, or in default of agreement to the determination by the Minister, of the Allocation Scheme and to its approval by the Minister, method of amendment, and incorporation in the terms of service for practitioners, shall apply in all respects to any scheme to be made under this Article.

24. Each Committee shall furnish returns to the Minister in such form and at such times as he may require of the amounts paid by them to persons supplying drugs and appliances (including capitation fees and other sums payable to practitioners in respect of the supply of drugs and appliances), and the sums from time to time necessary to meet these amounts shall be credited by the Minister to the Committee and shall be carried by the Committee to the credit of a fund to be called the Drug Fund. All payments made by the Committee to persons supplying drugs or appliances (including such capitation fees and other sums as aforesaid) shall be debited to that fund.

25.—(1) Every approved institution shall, at the commencement of each quarter, furnish to the Committee a certificate, on a form to be provided by the Committee, of the number of insured members on the list of the institution.

(2) The Committee shall furnish to the Minister at such times as he may direct such particulars with regard to insured members of each institution approved by them as he may require, and for the purposes of this Article the Minister shall determine on the basis of such particulars the number of insured members of each such institution resident in the area of the Committee.

(3) As soon as may be after the expiration of each quarter, the Committee shall pay each Institution submitting the certificate, by way of an advance on the amount due to it, such sum as the Committee may, with the consent of the Minister, determine.

(4) The Board of Management of, or persons administering, an institution shall, as soon as possible after the end of each year, furnish to the Committee a certificate, on a form to be provided by the Committee, stating the amount expended by the Institution during that year upon the provision of treatment (including drugs and appliances) for insured members of the institution, and the Committee, if satisfied that the certificate is supported by the audited accounts of the institution and is otherwise in order, shall, subject to the provisions of paragraph (6) of this Article, pay to the institution a sum which, together with any advances already made, is equal to the amount certified to have been so expended, or the amount, as determined by the Minister, which would have been expended by the Committee upon the provision of treatment (including drugs and appliances) for the insured members of the institution resident in the area of the Committee if such insured members had been entitled to receive treatment from insurance practitioners, whichever shall be the less. The aggregate of the sums so payable by each Committee shall be credited by the Minister to the Committee and shall be carried to the credit of a fund in the books of the Committee to be called the Institutions' Fund. All payments made by the Committee to institutions in accordance with this Article shall be charged to that Fund.

(5) If an institution ceases in the course of a quarter to provide treatment for its insured members, or to be approved, an appropriate reduction shall be made in the amount which would otherwise be available for payment to the institution and such adjustments, if any, shall be made between the Institutions' Fund, the Practitioners' Fund and the Drug Fund as the Minister may determine.

(6) Where, owing to the failure on the part of any institution

to comply with any of the conditions prescribed by or in pursuance of any Regulations for the administration of medical benefit for the time being in force, the sum payable in that year to the Institutions' Fund is reduced, a corresponding reduction shall be made in the amount paid in that year to the institution which is in default.

(7) In this Article, the expression "insured member of an institution" means an insured person obtaining treatment through an institution as his medical benefit.

26. The Minister may from time to time issue to each Committee such sums as may be required by the Committee to meet their expenditure on medical benefit and their administration expenses, but the sum so issued shall not exceed the proper proportion of the sums which the Minister may estimate to be due to that Committee.

PART V.

Provisions relating to Investigations, Disputes, Appeals, etc.

27.—(1) Every Committee shall constitute a special Sub-Committee (in these Regulations referred to as the Medical Service Sub-Committee) consisting of an equal number of representatives of insured persons and of practitioners, together with a Chairman, and, if the Committee so decide, a Vice-Chairman.

(2) The members of the Sub-Committee shall be appointed in the following manner :—

(i) Not more than five nor less than three members of the Sub-Committee shall be appointed by and from the members of the Committee who represent insured persons, one member shall be appointed by the Local Medical Committee, and such number of members by the Panel Committee as will, together with the person appointed by the Local Medical Committee, equal the number of members representing insured persons : Provided that if none of the members representing practitioners is a woman, at least one of those appointed to represent insured persons shall be a woman, but the woman so appointed may be a person who is not a member of the Committee, or who, being a member of the Committee, does not represent insured persons thereon.

(ii) If the Local Medical Committee or Panel Committee fail to appoint a member or members of the Medical Service Sub-Committee within one month after being requested so to do by the Committee, the Committee shall appoint the necessary number of practitioners to fill the vacancy or vacancies.

(iii) The Chairman and, if the Committee decide to appoint a Vice-Chairman, the Vice-Chairman shall be selected from those members of the Committee appointed respectively by the Council of the County and by the Minister who are neither insured persons, nor officers (other than trustees) of Societies, nor practitioners, nor registered pharmacists (in this Part of these Regulations referred to as the "neutral members of the Committee") and the selection shall be made by the persons appointed to be

members of the Sub-Committee, or in default of selection being made by those persons, by the neutral members of the Committee.

(3) There shall be appointed in the same manner as the members of the Medical Service Sub-Committee a corresponding number of persons having the same qualifications, if any, to act as deputies for the members representing practitioners and insured persons respectively, and in the absence of members of the Sub-Committee such persons shall be entitled to act accordingly.

(4) If in the opinion of the Chairman any member of the Medical Service Sub-Committee is interested, or, in the case of a practitioner, is partner or principal or assistant to a practitioner interested, in a question referred to them, that member shall take no part in the hearing thereof, but a deputy having the same qualifications, if any, as the member who has withdrawn shall act in his place.

(5) The Vice-Chairman shall in the absence of the Chairman exercise and perform the powers and duties of the Chairman, and shall be entitled to be present at, and take part in, the proceedings of a meeting of the Medical Service Sub-Committee at which the Chairman is present, but not to vote.

(6) The Committee may, with the consent of the Minister, appoint two or more Medical Service Sub-Committees.

28.—(1) Any question arising between an insurance practitioner and a person who is, or has been, or claims to be or to have been, entitled to obtain treatment from that practitioner, or between the representative of any such person, if deceased, and the practitioner in respect of the treatment rendered by the practitioner, or any alleged failure to render treatment or other breach by the practitioner of his duties under the terms of service or in respect of the conduct of the person while receiving treatment, and any question raised by a Society as to the action of a practitioner with regard to any medical certificate which he is required to furnish to a member of the Society, shall be investigated by the Medical Service Sub-Committee.

The person or Society desiring to raise any question under this Article shall within six weeks after the event which gave rise to the question give written notice to the Clerk to the Committee stating the substance of the matter which it is desired to have investigated : Provided that notwithstanding failure to give notice within the said period the Sub-Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause.

For the purpose of this Article the representative of a deceased insured person shall include a member of the insured person's family or any person who satisfies the Medical Service Sub-Committee that he is acting on behalf of the insured person's family.

(2) The Committee and any Sub-Committee of the Committee duly authorised in that behalf by the Committee may, and if the Panel Committee so desire shall, refer for investigation by the Medical Service Sub-Committee any matter relating to the administration of medical benefit or to the discharge by any practitioner of his duties under the terms of service whether such matter has been raised by or on behalf of an insured person or by a Society under the preceding paragraph of this Article or not, and the Medical Service Sub-Committee shall investigate it accordingly.

29.—(1) The Medical Service Sub-Committee may, if they think fit, permit any person concerned in an investigation to be assisted in the presentation of his case by some other person: Provided that no person shall be entitled to appear in the capacity of counsel, solicitor or other paid advocate.

(2) The proceedings at the hearing before the Medical Service Sub-Committee shall be private, and no person shall be admitted to those proceedings except—

(*a*) the persons concerned in the investigation, and the persons, if any, permitted to appear for the purpose of assisting them;

(*b*) the secretary or other officer of the Society or branch, if any, of which the insured person is a member;

(*c*) the secretary or other officer of the Panel Committee;

(*d*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Sub-Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(*e*) such officers and servants of the Committee as they may appoint for the purpose.

(3) The Committee shall, after consultation with the Local Medical Committee and Panel Committee, prepare and submit to the Minister for his approval rules which shall provide for the quorum and term of office of the Medical Service Sub-Committee and, subject to the provisions of this Article, for notice of the hearing to be given to the persons concerned in the investigation, including the Secretaries of the Panel Committee and of the Society or branch of which the insured person is a member, and for the procedure before and at the hearing with regard to the nature of the evidence to be admitted and otherwise, and such rules may empower the Sub-Committee to dispense with a hearing if they are satisfied that the complaint is frivolous or vexatious or that the written statement or statements of the complainant do not disclose any *primâ facie* ground of complaint, and may delegate to the Chairman of the Sub-Committee such powers in this respect as the Committee think fit.

(4) The Medical Service Sub-Committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences of fact which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken, and shall present the report to the Committee, and the Committee shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Committee the Medical Service Sub-Committee may, if they think fit, draw the attention of the Committee to any previous reports made by the Medical Service Sub-Committee or by the Joint Services Sub-Committee in connection with the practitioner and of any action taken by the Minister on such reports and may recommend that account should be taken thereof in determining what action, if any, should be taken.

(5) The Committee shall in every case furnish the Minister with a copy of the report of the Medical Service Sub-Committee and a statement of the Committee's decision thereon.

30.—(1) After an investigation by the Medical Service Sub-Committee into any question relating to the conduct of an insured

person, the Committee may deal with him under the rules of the Committee relating to fines and suspension from medical benefit.

(2) After an investigation by the Medical Service Sub-Committee into any question relating to the conduct of a practitioner the Committee may take action in any one or more of the following ways :—

(*a*) If the Committee are satisfied that owing to the number of persons included in his list the practitioner is unable to give adequate treatment to all those persons they may, after consultation with the Panel Committee, impose a special limit on the number of insured persons for whom the practitioner may undertake to provide treatment, and in that event any number in excess of that limit shall be dealt with as though the list of the practitioner was by that number in excess of the general limit fixed for the list of practitioners in the area.

(*b*) The Committee may recover from the practitioner, by deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the Medical Service Sub-Committee) which have been reasonably and necessarily incurred by them or by any insured person or any person acting on his behalf or on behalf of the family of a deceased insured person owing to the practitioner's failure or neglect to comply with the terms of service, and any sum so recovered shall, in the case of expenses incurred by or on behalf of an insured person, or on behalf of the family of a deceased insured person, be repaid to the insured person or other person by whom the expenses have been incurred.

(*c*) The Committee may make representations to the Minister that owing to the failure or neglect of the practitioner to comply with the terms of service the conditions on which the money for defraying the cost of medical benefit is payable to the Committee have not been fulfilled.

(*d*) If the Committee are of opinion that the continuance on the medical list of the practitioner will be prejudicial to the efficiency of the medical service of the insured, they may make representations to that effect to the Minister.

31.—(1) Every Committee shall constitute a special Sub-Committee (in these Regulations referred to as the Pharmaceutical Service Sub-Committee) consisting of an equal number of representatives of insured persons and of registered pharmacists, together with a Chairman, and, if the Committee so decide, a Vice-Chairman.

(2) The members of the Sub-Committee shall be appointed in the following manner :—

(i) Three members of the Sub-Committee shall be appointed by and from the members of the Committee who represent insured persons, and three members shall be registered pharmacists appointed by the Pharmaceutical Committee : Provided that if none of the members representing pharmacists is a woman, at least one of those appointed to represent insured persons shall be a woman, but the woman so appointed may be a person who is not a member of the Committee, or who, being a member of the Committee, does not represent insured persons.

(ii) If the Pharmaceutical Committee fail to appoint a member or members of the Pharmaceutical Service Sub-Committee within one month after being requested so to do by the Committee, the Committee shall appoint the necessary number of registered pharmacists to fill the vacancy or vacancies.

(iii) The Chairman and, if the Committee decide to appoint a Vice-Chairman, the Vice-Chairman shall be selected from the neutral members of the Committee, and the selection shall be made by the persons appointed to be members of the Sub-Committee, or in default of selection being made by those persons, by the neutral members of the Committee.

(3) If in the opinion of the Chairman any member of the Pharmaceutical Service Sub-Committee is interested, or, in the case of a person supplying drugs or appliances, is partner or manager or assistant to a person interested in a question referred to them, that member shall take no part in the hearing thereof, but another person having the same qualifications, if any, as the member who has withdrawn shall be appointed for the purpose of that hearing by the remaining members who represent pharmacists or insured persons, as the case may be, and the Chairman.

(4) The Committee may, with the consent of the Minister, appoint two or more Pharmaceutical Service Sub-Committees.

32.—(1) Any complaint made by an insured person or the representative of such person, if deceased, against a person (other than a practitioner) supplying drugs or appliances in respect of the quality or quantity of any drugs or appliances supplied under the arrangements made by the Committee, or in respect of any failure to supply drugs or appliances under those arrangements within a reasonable space of time, or in connection with any other matter relating to the duties of the person supplying drugs or appliances under the terms of service, shall be investigated by the Pharmaceutical Service Sub-Committee.

The person desiring to make any complaint under this Article shall within six weeks after the event which gave rise to the complaint give written notice to the Clerk to the Committee stating the substance of the matter which he desires to be investigated: Provided that notwithstanding failure to give notice within the said period, the Sub-Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause.

For the purpose of this Article the representative of a deceased insured person shall include a member of the insured person's family, and any other person who satisfies the Pharmaceutical Service Sub-Committee that he is acting in the interests of the insured person's family.

(2) The Sub-Committee shall also investigate any matter relating to the administration of medical benefit or to the discharge by any person supplying drugs or appliances of his duties under the terms of service which may be referred to it by the Committee or by any other Sub-Committee of the Committee, whether such matter has been raised by or on behalf of an insured person under the preceding paragraph of this Article or not.

(3) The provisions of these Regulations relating to the duties

of a Vice-Chairman of the Medical Service Sub-Committee, the persons entitled to be admitted to their proceedings, the powers and the duties of that Sub-Committee with respect to hearing and reporting on a question, and the powers and duties of the Committee upon the receipt of a report from the Sub-Committee, shall apply to the Pharmaceutical Service Sub-Committee with the substitution of the words "Pharmaceutical Service Sub-Committee" for "Medical Service Sub-Committee," and "Pharmaceutical Committee" for "Panel Committee," and with such other modifications as the circumstances may require; and subject thereto the quorum of the Pharmaceutical Service Sub-Committee, their term of office and the procedure with regard to the hearing of a complaint, the nature of the evidence admitted and otherwise shall, subject to the approval of the Minister, be determined by the Committee.

33.—(1) Every Committee shall constitute a special Sub-Committee (in these Regulations referred to as the "Joint Services Sub-Committee") in the following manner:—

(i) The Medical Service Sub-Committee shall appoint from amongst its members two practitioners.

(ii) The Pharmaceutical Service Sub-Committee shall appoint from amongst its members two registered pharmacists.

(iii) Two persons shall be appointed by and from the members of the Committee who represent insured persons:

Provided that, unless any of the persons appointed by the Medical Service Sub-Committee or the Pharmaceutical Service Sub-Committee is a woman, at least one of the persons appointed by the members of the Committee who represent insured persons shall be a woman, but the woman so appointed may be a person who is not a member of the Committee, or who, being a member of the Committee, does not represent insured persons.

(iv) A Chairman shall be selected from the neutral members of the Committee, and the selection shall be made by the persons appointed to be members of the Joint Services Sub-Committee or, in default of selection being made by those persons, by the neutral members of the Committee.

(2) If, in the opinion of the Chairman, any member of the Joint Services Sub-Committee is interested or, in the case of a practitioner or person supplying drugs or appliances, is partner, or principal, manager, or assistant to a person interested in a question referred to them, that member shall take no part in the hearing thereof, but another person having the same qualifications as the member who has withdrawn shall be appointed for the purpose of that hearing by the remaining member of the class of members to which the member who has withdrawn belongs and the Chairman.

(3) If in the opinion of the Medical Service Sub-Committee any matter referred to that Sub-Committee involves a question relating to a person (other than a practitioner) supplying drugs or appliances, or if in the opinion of the Pharmaceutical Service Sub-Committee any matter referred to that Sub-Committee involves a question relating to an insurance practitioner, the Sub-Committee shall, in lieu of dealing with the matter themselves, refer it to the Joint Services Sub-Committee.

(4) Any matter which would otherwise have been referred by

the Committee or by any Sub-Committee to the Medical Service or Pharmaceutical Service Sub-Committee for investigation may, if the Committee or Sub-Committee are satisfied that it is appropriate to the Joint Services Sub-Committee, be referred by them to that Sub-Committee.

(5) The provisions of these Regulations relating to the appointment and duties of a Vice-Chairman of the Medical Service Sub-Committee, the persons entitled to be admitted to their proceedings, and the duties of that Sub-Committee with respect to hearing and reporting on a question, shall apply to the Joint Services Sub-Committee with the substitution of the words "Joint Services Sub-Committee" for "Medical Service Sub-Committee," save that the Secretaries or other officers of the Panel Committee and of the Pharmaceutical Committee shall be entitled to be admitted, and subject thereto the quorum of the Joint Services Sub-Committee, their term of office and the procedure with regard to the hearing of a question, the nature of the evidence admitted and otherwise shall, subject to the approval of the Minister, be determined by the Committee.

(6) The Committee shall be entitled to take action on a report made by the Joint Services Sub-Committee in respect of an insurance practitioner, a person supplying drugs or appliances, or an insured person in the same manner as on a report made by the Medical Service Sub-Committee or Pharmaceutical Service Sub-Committee.

34.—(1) The Committee shall inform the persons (including a Society) concerned in any investigation by the Medical or Pharmaceutical Service, or Joint Services Sub-Committee of their decision in the matter and shall furnish them with a copy of the report of the Sub-Committee, and any person or Society aggrieved by the decision of the Committee shall be entitled to appeal to the Minister by sending to the Minister notice of appeal within one month from the date on which notification of the decision was received: Provided that no appeal shall lie against a decision of the Committee to make representations with regard to the continuance of a practitioner or of a person supplying drugs or appliances on the list, and if a Committee decide both to make such representations and to take other action and an appeal is made against such other action, the Minister may treat as conclusive for the purposes of the appeal any relevant findings of fact and inferences of fact contained in the report of the Inquiry Committee constituted to investigate the case.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) The Minister may, on the application of any person desiring to appeal, extend the time for giving notice of appeal in such manner as he thinks fit, and may so extend the time although the application is not made until after the expiration of one month from the date on which notice of the Committee's decision was received.

(4) Any application for the extension of the time for giving notice of appeal must be made in writing to the Minister, stating the grounds for the application.

35.—(1) If the Minister, after considering the notice of appeal and any further particulars furnished by the appellant, is of opinion that the said notice and particulars disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, he may dismiss the appeal forthwith.

(2) If the Minister is of opinion that the case is of such a nature that it can properly be determined without an oral hearing, he may dispense with an oral hearing and may determine the appeal summarily.

(3) If the Minister is of opinion that an oral hearing is necessary, he may appoint an officer or officers of the Ministry or some other fit person or persons, not exceeding three in number, to hear the appeal and to draw up a report, and the Minister, after taking such report into consideration, shall give his decision, which shall be final and conclusive.

(4) The Minister shall send a copy of the notice of appeal and of any further particulars furnished by the appellant to the Committee and to the person or persons, if any (including a Society), who were parties to the proceedings before the Medical or Pharmaceutical Service, or Joint Services Sub-Committee and who appear to him to be interested in the appeal, and in the event of a hearing the Committee and such person or persons, if any, may appear and take such part in the proceedings as the person or persons before whom the hearing takes place may think proper.

(5) A party to any question investigated by the Medical or Pharmaceutical Service Sub-Committee, or the Joint Services Sub-Committee shall not, except with the consent of the Minister or, in the case of a hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts or contentions which do not appear to the Minister or to the person or persons hearing the appeal to have been raised before the Sub-Committee in the course of the proceedings in respect of which the appeal is brought.

(6) The provisions of the Arbitration Act, 1889 (52 & 53 Vict. c. 10), set out in the Fifth Schedule to these Regulations shall, with the modifications set out in the said Schedule, apply to any appeal made to the Minister under these Regulations against a decision of a Committee.

(7) In the Fifth Schedule to these Regulations "the Act" means the provisions of the Arbitration Act, 1889, as applied and modified by the said Schedule, "the person hearing the appeal" means any person or persons appointed by the Minister under these Regulations to hear the appeal and to draw up a report, and "the party to the appeal" includes the appellant, the Committee, and such other person or persons, if any, as are entitled under these Regulations to take part in the proceedings.

(8) Where an appeal is dismissed the Committee may, with the consent of the Minister, make such contribution towards the costs of the respondent as they think fit.

36. If the Minister is satisfied, whether on consideration of any report made by a Medical Service, Pharmaceutical Service, or Joint Services Sub-Committee, or otherwise, that an insurance practitioner or a person supplying drugs or appliances has failed or neglected to comply with the terms of service applicable to him, he may withhold such amount as he thinks fit from the money payable in respect of medical benefit to the Committee in whose list the practitioner or person supplying drugs or appliances is included, and a like amount shall be recovered by the Committee from the practitioner or person supplying drugs or appliances, by deduction from his remuneration or otherwise :

Provided that, except in cases in which the facts have already been the subject of an investigation either in the course of an appeal made to the Minister or of an inquiry under Part VI or VII of these Regulations, the Minister shall, before deciding to withhold any such amount, afford the practitioner or person concerned a reasonable opportunity of making representations to him on the matter, and if he desires to make representations orally, the Minister may appoint a person or persons to hear the case and report thereon to him. The Committee and the Panel Committee, or Pharmaceutical Committee, as the case may be, shall be entitled to be represented at any such hearing and to take such part in the proceedings as the person or persons appointed to hear the case may think fit.

37.—(1) Where it appears to the Minister after an investigation of the orders for drugs and appliances given by an insurance practitioner to insured persons on his list and of the accounts furnished by the practitioner for drugs and appliances supplied to those persons that there is a *primâ facie* case for considering that by reason of the character or quantity of the drugs or appliances so ordered or supplied the charge imposed upon the funds available for the provision of medical benefit is in excess of what was reasonably necessary for the adequate treatment of those persons, the Minister may refer the matter to the Panel Committee for their consideration: Provided that if any Panel Committee make an application in that behalf and satisfy the Minister that they have made and are carrying out adequate arrangements for investigating the character and amount of the drugs and appliances so ordered or supplied by insurance practitioners in the area, the Minister may, subject to such conditions and for such period as he thinks fit, dispense with the foregoing procedure and arrange for the Panel Committee to continue to carry out such investigation.

(2) Where a case has been referred to the Panel Committee under the preceding paragraph, or where the Panel Committee are themselves satisfied, after a preliminary investigation made under the proviso to that paragraph, that there is a *primâ facie* case for consideration, the Panel Committee shall furnish the practitioner concerned with a statement indicating the matters on which an explanation is required and shall afford him reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting to them any statement in writing.

(3) After duly considering the case the Panel Committee shall decide whether any cost has been imposed on the funds available for the provision of medical benefit in excess of what may reasonably be necessary by reason of the character or quantity of the drugs or appliances ordered or supplied by the practitioner as aforesaid, and if so, what is the amount of the excess cost imposed on those funds.

(4) Where the Panel Committee have decided that excessive cost has been so imposed by reason of the drugs or appliances ordered or supplied by the practitioner, they shall inform the Committee, the practitioner, and the Minister of their decision and may add a statement of any considerations to which in their opinion the Committee and the Minister should have regard in making any recommendation or decision with reference to the withholding of money from the Committee.

(5) The practitioner shall be entitled to appeal against the

decision of the Panel Committee by sending to the Minister notice of appeal within one month from the date on which notice of the Panel Committee's decision was received. The Minister shall appoint a person or persons (not exceeding three in number and not being an officer or officers of the Ministry) of whom at least one shall be a medical practitioner who shall hear and determine the appeal, and the provisions of the Arbitration Act, 1889, shall apply to the appeal with such modifications as the case may require.

(6) If the Minister is dissatisfied with the decision of the Panel Committee in any case referred by him to that Committee under paragraph (1) of this Article he may appoint a person or persons to hear and determine the matter in the manner provided in the last preceding paragraph and the provisions of that paragraph shall apply accordingly.

(7) After consideration of the decision of the Panel Committee or, if an appeal has been made, of the decision of the person or persons determining the appeal, the Insurance Committee shall make a recommendation to the Minister with regard to the withholding of money from the Committee and the Minister may withhold such sum as he thinks fit, and the provisions of Article 36 of these Regulations, including the right of the practitioner to make representations to the Minister, shall apply accordingly.

38.—(1) If a question arises, either in the course of an investigation by the Medical Service Sub-Committee or otherwise, as to whether an operation or other service which a practitioner has advised for, or rendered to, a patient was within the scope of the practitioner's obligations under the terms of service, that question shall be referred to the Local Medical Committee, and, if the Local Medical Committee and the Committee disagree, the matter shall be submitted to Referees appointed under these Regulations for decision in such summary manner as, subject to any rules made by the Minister in that behalf, may be directed by the Minister; and the decision of those Referees, given after hearing such parties and taking such evidence, if any, as they think just, shall be final, and the Referees in giving any such decision shall state whether in arriving at their decision they have had regard to any custom or practice of the medical profession which is peculiar to the area in which the question arose.

(2) For the purpose of giving effect to these Regulations the Minister shall, upon any such question arising, nominate as Referees two practitioners (who shall be selected from any panel of practitioners set up by the Minister for the purpose, or if no such panel exists, from among practitioners in actual practice) and one barrister-at-law or solicitor in actual practice.

(3) The Referees may decide any question coming before them by a majority, but, subject as aforesaid, their procedure shall be such as they may from time to time determine.

(4) If on any question referred to the Local Medical Committee under this Article the Committee and the Local Medical Committee are agreed, the Committee shall report the matter to the Minister, and the Minister may, if he thinks fit, refer the question for decision to Referees in the manner provided in this Article, and the foregoing provisions of this Article shall apply accordingly.

39. The Local Medical Committee shall have power to consider any complaint made to that Committee by an insurance practitioner

against any other insurance practitioner involving any question of the efficiency of the medical service of insured persons, and the Local Medical Committee may make representations to the Minister that the continuance on the medical list of the practitioner against whom complaint is made will be prejudicial to the efficiency of the service.

40. The Pharmaceutical Committee shall have power to consider any complaint made to that Committee by a person supplying drugs or appliances against any other person supplying drugs or appliances, involving any question of the efficiency of the service of drugs or appliances to insured persons, and the Pharmaceutical Committee may make representations to the Minister that the continuance on the list of the person against whom complaint is made will be prejudicial to the efficiency of the service.

PART VI.

Inquiries relating to Practitioners.

41.—(1) In this Part of these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

"Representation" means a representation made to the Minister that the continuance of a practitioner upon the medical list would be prejudicial to the efficiency of the medical service of the insured :

"Complainant" means any person or body making a representation to the Minister under this Part of these Regulations :

"Inquiry" means an inquiry held in accordance with the provisions of this Part of these Regulations, and "Inquiry Committee" means the committee constituted under this Part of these Regulations for the purpose of holding an inquiry :

"Appointed day" means the day appointed for the holding of an Inquiry.

(2) The forms set out in Part I of the Sixth Schedule to these Regulations or other forms substantially to the like effect shall be used in all cases to which those forms are applicable.

42. If any representation is made to the Minister by any Committee, Local Medical Committee or Panel Committee, the Minister shall, and if by any other person or body, the Minister may, subject as hereinafter provided, hold an inquiry in the manner prescribed by this Part of these Regulations.

43.—(1) A representation shall be in writing signed by or on behalf of the complainant.

(2) The Minister may, if he thinks fit, require the complainant to send to him a preliminary statement setting out the alleged facts and grounds on which the representation is based, and, where a fact is not within the personal knowledge of the complainant, the source of the information and grounds for the belief of the complainant in its truth, together with such further particulars as he may think necessary, and may require the preliminary statement to be verified by statutory declaration.

44. If it appears to the Minister, after due consideration of any representation or of any preliminary statement furnished to him by the complainant, not being a Committee, Local Medical Committee or Panel Committee, that no good cause has been shown

why an inquiry should be held, he may refuse to hold an inquiry and shall inform the complainant accordingly.

45.—(1) The Minister shall, in all cases where an inquiry is to be held, send the following notices, namely:—

(*a*) A notice to the practitioner informing him that it is proposed to hold an inquiry as to the representation made by the complainant; and

(*b*) A notice to the complainant informing him that it is proposed to hold an inquiry as to the representation made by him, and requiring him, within a time specified in the notice, to send to the Minister a concise statement of the alleged facts and grounds on which the representation is based (in this Part of these Regulations referred to as "the statement of complaint"), together with a list of all the documents which he proposes to put in evidence:

Provided that where the complainant has sent a preliminary statement to the Minister, the Minister may, if he thinks fit, dispense with a statement of complaint, and in that case the preliminary statement shall, for the purposes of the inquiry, be treated as the statement of complaint.

(2) The Minister may, if he thinks fit, on the application of the complainant or some person authorised by him, extend the time for sending to him the statement of complaint.

46. The Minister shall send to the practitioner a copy of the statement of complaint and of the list of documents which the complainant proposes to put in evidence together with a notice informing him that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the Minister, admit or dispute the truth of all or any of the allegations appearing in the statement of complaint.

47.—(1) The practitioner may, on giving due notice to the complainant, inspect, either personally or by an agent authorised in writing, the documents included in the list sent by the complainant to the Minister, and the complainant shall give reasonable facilities for the purpose.

(2) The practitioner shall be entitled, on making application to the Minister, to a copy of any document in that list, and the Minister may, for the purpose of supplying to the practitioner copies of any such documents, require the complainant to deposit with one of his officers appointed for the purpose any of the documents for copies of which application has been made, and shall return the documents to the complainant as soon as may be.

48. If the complainant fails, within the time specified in the notice, or within any extended period, to send a statement of complaint to the Minister, or if he fails to comply with any other requirements of this Part of these Regulations, the Minister may treat the representation as having been withdrawn.

49.—(1) For the purpose of each inquiry the Minister shall constitute an Inquiry Committee composed of a barrister-at-law or solicitor in actual practice and two practitioners, and if any body of practitioners has been established for the purpose by the Minister the two practitioners so appointed shall be selected from that body.

(2) The Minister shall appoint one of the members of the Inquiry Committee to be Chairman.

(3) The Minister shall appoint a fit person to act as clerk to the Inquiry Committee.

50.—(1) The Minister shall appoint a day for the holding of the Inquiry, and shall, not less than seven days before the appointed day, send notices to the complainant and the practitioner informing them that the Inquiry will be held on the appointed day.

(2) The Minister shall send to each Committee (other than a Committee which is the complainant) on whose list of practitioners undertaking the treatment of insured persons the name of the practitioner appears, notice of the proposed Inquiry, and of the date, time and place on and at which it is proposed to hold the Inquiry, and each such Committee may appear and take such part in the proceedings at the Inquiry as the Inquiry Committee shall think proper.

51. The Minister may, if he thinks fit, or on the application of either party, postpone the holding of the Inquiry until such date later than the appointed day as he may determine, and thereupon that later day shall for the purposes of this Part of these Regulations be the appointed day.

52.—(1) Any Committee, Local Medical Committee, Panel Committee or other body, whether corporate or unincorporate, entitled to appear at the Inquiry, may appear by their Clerk or other officer duly appointed for the purpose, or with the consent of the Chairman of the Inquiry Committee by counsel or solicitor.

(2) The complainant, not being one of the bodies above-mentioned, and the practitioner may, with the consent of the Chairman of the Inquiry Committee, appear at the Inquiry—

(*a*) by any member of his family ;

(*b*) by counsel or solicitor ;

(*c*) by any officer or member of any society or other body of persons of which the person in question is a member or with which he is connected.

(3) If either party to an Inquiry, or a Committee to whom notice of the Inquiry has been given, desires to appear at the Inquiry by a representative, and the consent of the Chairman of the Inquiry Committee is required, the party or Committee shall send an application for leave so to appear to the Clerk to the Inquiry Committee not less than five days before the appointed day, and the Clerk shall inform the Chairman, who shall, as soon as may be, notify the applicant and such other parties as appear to him to be interested of his decision in the matter, without prejudice to his power at any time during the hearing to consent to any such application and to adjourn the Inquiry for that purpose.

53.—(1) The complainant may at any time before the appointed day withdraw the representation by giving notice of withdrawal in writing to the Minister.

(2) Where the representation has been withdrawn, or is treated by the Minister as having been withdrawn, the Minister shall (without prejudice to his power to hold an Inquiry as hereinafter provided) forthwith inform the practitioner that the representation has been withdrawn or is treated as having been withdrawn, as the case may be.

54. The Minister at any time before the appointed day, and the Inquiry Committee at any time on or after the appointed day before the conclusion of the Inquiry, may allow the statement of complaint to be amended upon such conditions as he or they may

think just, and may require the complainant to furnish to him or them in writing further particulars of the alleged facts and grounds appearing in the statement of complaint.

55. Unless the Inquiry Committee, with the approval of the Minister, otherwise determine, the procedure at the Inquiry shall be governed by the rules set out in Part II of the Sixth Schedule to these Regulations.

56. In any case where it appears to the Minister desirable to hold an Inquiry for the purpose of ascertaining whether the continuance of a practitioner on any medical list would be prejudicial to the efficiency of the medical service of the insured, the Minister may, notwithstanding either that—

(i) no representation to that effect has been made to him, or that—

(ii) if such representation has been made, it has been withdrawn or has been treated as withdrawn,

proceed to hold an Inquiry for that purpose, and this Part of these Regulations shall, with the necessary modifications and subject as hereinafter provided, apply accordingly.

57. The Minister shall send to the practitioner a statement of the facts and grounds which appear to him to justify the holding of an Inquiry (in this Part of these Regulations referred to as the "case for inquiry"), together with a notice informing him that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the Minister, admit or dispute the truth of all or any of the allegations appearing in the case for inquiry.

58. If after considering the statement of the practitioner or, if no statement is received, after such lapse of time as the Minister may think reasonable, the Minister is of opinion that it is desirable to hold an Inquiry, he shall constitute an Inquiry Committee in the manner hereinbefore provided and shall appoint a day for the holding of the Inquiry and shall send—

(*a*) to the practitioner, a notice informing him that the Inquiry will be held on the appointed day, and

(*b*) to each Committee on whose list of practitioners undertaking the treatment of insured persons the name of the practitioner appears, a notice of the proposed Inquiry stating the date, time, and place on and at which it is proposed to hold the Inquiry,

and each such Committee may appear and may take such part in the proceedings at the Inquiry as the Inquiry Committee shall think proper.

59. The Minister shall appoint some fit person to appear at the Inquiry in support of the allegations in the case for inquiry, and subject thereto the procedure at the Inquiry shall be governed as nearly as may be by the rules set out in Part II of the Sixth Schedule to these Regulations, but those rules may be varied or modified as the circumstances of the case may require and as the Minister, or the Inquiry Committee with the approval of the Minister, may think fit.

60. The provisions of the Arbitration Act, 1889, set out in the Fifth Schedule to these Regulations other than Section 19 of that Act shall, with the modifications set out in that Schedule, apply to an Inquiry as if the Inquiry were an appeal and as if the Inquiry Committee were persons hearing the appeal and the complainants

(including in the case of an Inquiry instituted by the Minister of his own motion, the Minister), and the practitioner in respect of whom the Inquiry is held were respectively parties to the appeal: Provided that the provisions of paragraph (i) of the First Schedule to the said Act (which enable the Minister to award costs) shall not apply to any case where the Inquiry is instituted by the Minister of his own motion.

61.—(1) At the conclusion of the Inquiry, the Inquiry Committee shall, as soon as may be, draw up a report stating such relevant facts as appear to them to be established by the evidence and the inferences of fact which, in the opinion of the Inquiry Committee, may properly be drawn from the facts so established, and the Minister, after taking such report into consideration, shall give his decision in due course and may cause it to be published in such manner as he shall think fit.

(2) In arriving at his decision the Minister may, and if the complainant being an Insurance Committee, a Local Medical Committee, or a Panel Committee, so request, shall have regard to any reports which may have been previously furnished to him in accordance with the provisions of Part V of these Regulations of cases investigated by the Medical Service Sub-Committee or Joint Services Sub-Committee relating to the practitioner, and any findings of fact contained in those reports or, if an appeal had been made to the Minister, in the decision given on the appeal shall be deemed to have been conclusively proved.

62. Where it appears to the Minister that the alleged facts on which any representation or case for inquiry is based are, or may be, the subject of investigation by any other tribunal, he may, if he thinks fit, direct that no further steps shall be taken under this Part of these Regulations pending the issue of such other investigation.

63. Notwithstanding anything in this Part of these Regulations, where the grounds on which any representation or case for inquiry is based consist solely of an allegation that the practitioner has been convicted of a criminal offence, and the practitioner admits the truth of such allegation, the Inquiry Committee may, with the consent of the practitioner, dispense with an oral inquiry and report to the Minister upon such documentary evidence as may be submitted to them.

64.—(1) Where any notice or other document is required or authorised by this Part of these Regulations to be sent by or on behalf of the Minister, it shall be a sufficient compliance with the Regulations if the notice or other document is sent by post in a registered letter directed to the person for whom it is intended at his ordinary address, or if he is a practitioner, at the address set opposite his name in the list of the Committee on whose list of practitioners his name appears, and in the case of an Approved Society, branch of an Approved Society, Committee, Local Medical Committee or Panel Committee, to the Secretary of the Society or branch, or to the Clerk or Secretary of the Committee, Local Medical Committee, or Panel Committee, as the case may be.

(2) Where any application, statement or other document is required or authorised by this Part of these Regulations to be sent to the Minister or to an Inquiry Committee or to the Chairman of an Inquiry Committee, it shall be a sufficient compliance with the

Regulations if the application, statement or other document is sent by post directed to the Secretary to the Ministry, or to the Clerk to the Inquiry Committee at the Office of the Ministry, as the case may require, and where leave to appear by a solicitor has been granted to any party to an Inquiry it shall be a sufficient compliance with this Part of these Regulations if the notice or other document is sent in the manner aforesaid to the solicitor at his professional address.

In the case of an inquiry relating to a practitioner on the medical list of a Committee in Wales, the Secretary of the Welsh Board of Health shall be substituted in this Article for the Secretary to the Ministry.

(3) Until the contrary is proved, any notice, application, statement, or other document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

65. The Minister or the Inquiry Committee may dispense with any requirement of this Part of these Regulations respecting notices, applications, documents or otherwise in any case where it appears to the Minister or the Inquiry Committee just and proper to do so.

PART VII.

Inquiries relating to Persons Supplying Drugs or Appliances.

66.—(1) For the purpose of holding an inquiry as to whether the inclusion or continuance of a person supplying drugs or appliances in the list of persons supplying drugs or appliances to insured persons would be prejudicial to the efficiency of the service, the Minister shall constitute an Inquiry Committee composed of a barrister-at-law or solicitor in actual practice and two other persons, who, if any body has been established for the purpose by the Minister, shall be selected from that body, and of whom at least one shall be a registered pharmacist.

(2) The Minister shall appoint one of the members of the Inquiry Committee to be Chairman.

(3) The Minister shall appoint a fit person to act as clerk to the Inquiry Committee.

67. Subject as aforesaid, the provisions of Part VI of, and the Sixth Schedule to, these Regulations with respect to the power and duty of the Minister to institute an inquiry, the procedure to be adopted in connection with an inquiry, the report of the Inquiry Committee, and otherwise shall, with the substitution of the words "Pharmaceutical Committee" for "Local Medical Committee" and such other modifications as may be necessary, apply to inquiries held under this Part of these Regulations, and the forms set out in the said Schedule, with the necessary modifications, or other forms substantially to the like effect, shall be used for the purposes of inquiries under this Part of these Regulations in all cases to which those forms are applicable.

PART VIII.

Miscellaneous.

68.—(1) An insured person who by reason of his employment or occupation is frequently changing or intends frequently to change his place of residence may make application to the Committee in

whose Register his name is included, on a form to be provided by the Committee for the purpose, to be allowed to obtain his medical benefit as though he were a temporary resident in each place in which he resides, and if the Committee consent to his application they shall inform the Minister of the application and of their consent thereto.

(2) The Minister shall thereupon furnish the applicant with a voucher and his name shall be removed from the Register and lists of the Committee, and he shall be entitled, for a period of six months, or such longer period or periods as the Minister may from time to time determine, to obtain medical benefit as though he were a temporary resident, and for the purposes of these Regulations he shall be deemed to be a temporary resident.

69.—(1) Any person who was on the 16th day of December, 1911, and still is, a member of any friendly society, which or a separate section of which has become an Approved Society, and who is not entitled to medical benefit under the principal Act by reason that, being subject to permanent disablement on the 15th day of July, 1912, he was not qualified to become an insured person, or the secretary or other officer of the society of which he is a member on his behalf, may give notice to the Committee that the member desires to obtain treatment under arrangements made by the Committee and that the society undertakes to pay in respect of the treatment of the member the sum prescribed in this Article, and where the notice is given personally it shall be countersigned by the secretary or other officer.

(2) The Committee shall furnish to each such member such voucher or other document as may be approved by the Minister, and it shall form part of the terms of service of every insurance practitioner that he shall attend and treat any person presenting such voucher or other document at a rate of remuneration not exceeding the amount which would be available for the treatment (not including drugs and appliances) of that member if he were an insured person: Provided that, so far as practicable, the Committee shall not require a practitioner to attend and treat a number of such members greater than a number bearing the same proportion to the insured persons on his list as the total number of such members obtaining treatment under arrangements made by the Committee bears to the total number of persons included in the lists of insurance practitioners.

(3) The provisions of this Article shall apply to any person who was on the 16th day of December, 1911, and still is a member of a society (other than a friendly society) which or a separate section of which has become an Approved Society, if he was at the date aforesaid entitled, as such member, to medical attendance and treatment.

70. The Committee shall, after consultation with the Local Medical Committee and Panel Committee, prepare rules with regard to the administration of medical benefit in accordance with Section 14 of the principal Act, and shall submit them for the approval of the Minister.

71. All forms and other documents to be provided under these Regulations by the Committee shall be submitted for the approval of the Minister, and the Committee shall not make use of any such form or document until the same has been approved.

72. These Regulations shall only apply to members of the Seamen's National Insurance Society where that Society has agreed with a Committee for the administration by the Committee of medical benefit to individual members of the Society.

73. These Regulations shall have effect subject to the exercise by the Minister of the powers conferred on him by the proviso to sub-section (2) of Section 15 of the principal Act or proviso (i) to sub-section (5) of that Section or by Section 11 of the Act of 1913.

74. The National Health Insurance (Medical Benefit) Consolidated Regulations, 1923 (S. R. and O., 1923, No. 2), are hereby revoked, but such revocation shall not affect the validity of any scheme or rules made thereunder to which the Minister has given approval at any time after the 1st day of December, 1923, nor shall it affect any right, privilege, obligation or liability acquired, accrued or incurred under those Regulations, or any adaptation or application of those Regulations in any other Regulations issued by the Minister.

FIRST SCHEDULE.

PART I.—TERMS OF SERVICE FOR PRACTITIONERS.

Admission to and Withdrawal from Medical List: Method of Altering Terms of Service.

1. Every practitioner, other than a practitioner disqualified from undertaking service by reason of his name having been removed, after an Inquiry, from any medical list in Great Britain, who gives notice to the Committee that he accepts service upon the terms for the time being in operation in the Committee's area will have his name included in the Committee's medical list. Such notice must be given in the form set out in Part III. of this Schedule, with such modifications, if any, as the circumstances may require.

2. The Committee may, subject to the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alterations to each practitioner:

Provided that, except in the case of an alteration which results from the coming into operation of any Act of Parliament, or which has been approved by the Minister after consultation with a body which is in his opinion representative of the general body of insurance practitioners, the Committee shall before making an alteration consult with the Local Medical Committee and Panel Committee and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

3. A practitioner is entitled at any time to give notice to the Committee that he desires to withdraw his name from the medical list, and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that:—

(i) if such notice is given by the practitioner within one month after the issue to him by the Committee of a notice informing him of a proposed alteration in the terms of service (including any amendment of the Allocation or Distribution Scheme), two months shall be substituted for three months as the maximum period for which he may be required to continue to undertake insurance practice; and

(ii) if representations have been made to the Minister that the continuance of a practitioner on the medical list would be prejudicial to the efficiency of the medical service, he is not entitled to withdraw his name from the medical list, except with the consent of the Minister and subject to such conditions, if any, as the Minister may impose, during the period while an Inquiry under Part VI. of the Regulations, or action by the Minister as a result of such Inquiry, is pending.

Arrangements for Practice on Retirement, Death, etc.

4.—(1) A practitioner who withdraws from the medical list, or the representative of a deceased practitioner, may, not later than the date of the withdrawal from the list, or, in the case of the death of the practitioner, within the period for which the

Committee may permit the practice to be carried on by a deputy under paragraph (3) of this Clause, require the Committee to state in the notice to be sent to the insured persons on the list of the practitioner the name and address, or names and addresses, of some other practitioner or practitioners practising or intending to practise in the district and willing to accept such persons for treatment.

(2) A request made to the Committee under the foregoing paragraph shall be made in writing and signed both by the retiring practitioner or the representative of the deceased practitioner, as the case may be, and by the practitioner or practitioners desiring to undertake the practice, and the latter shall be deemed to have undertaken to accept any insured person in the list of the retiring or deceased practitioner who applies for acceptance.

(3) For the purpose of securing the treatment of insured persons on the list of a deceased practitioner until arrangements are made for their selecting another practitioner, any person may within ten days of the death of the practitioner make application to the Committee on behalf of the estate of the deceased practitioner, and if the Committee are satisfied that he is acting in the interests of the estate of the deceased practitioner, and if the Committee are satisfied that he is acting in the interests of the estate, they may authorise him to nominate one or more practitioners, whether being insurance practitioners or not, to undertake the treatment of such of those persons as do not apply to be transferred to the list of another practitioner, and the person or persons so appointed shall be entitled to undertake the treatment as if he were the deputy of the deceased practitioner for such period as the Committee think fit; but such period shall not, except in special circumstances, exceed two months. During such period the name of any insured person who does not apply to be transferred to the list of another practitioner shall not be removed from the list of the deceased practitioner.

(4) Where the Committee, after consultation with the Panel Committee, are satisfied that owing to the continued absence or bodily or mental disability of an insurance practitioner his obligations under the terms of service are not being adequately carried out, they may with the consent of the Minister give notice to the insured persons on his list that the practitioner is no longer in a position to carry out his obligations under the terms of service.

Persons for whose Treatment the Practitioner is Responsible.

5.—(1) The persons for whose treatment a practitioner is responsible (hereinafter called his "patients") are—

(*a*) All persons who have been accepted by him for inclusion in his list and who have not been notified to him by the Committee as having ceased to be on his list.

(*b*) All persons who have been assigned to him in accordance with the Allocation Scheme and who have not been notified to him by the Committee as having ceased to be on his list.

(*c*) All persons for whom he may under the terms of the said Scheme be required to provide treatment pending their acceptance by or assignment to a practitioner, or to provide treatment in case of accident or other sudden emergency.

(2) A practitioner who declines to accept an applicant for inclusion in his list is required, in addition to providing any treatment immediately needed, to take such steps as may be specified in the said Scheme to enable the applicant to be accepted by or assigned to another practitioner.

(3) A practitioner is required to signify his acceptance of an applicant by signing the latter's medical card in the appropriate space and to send the card to the Committee within such period as may be specified in the Allocation Scheme.

Right of Practitioner to have Patient removed from his List.

6. Subject to such restrictions, if any, as may be imposed by the Allocation Scheme, a practitioner is entitled to have the name of any insured person on his list removed therefrom by giving notice at any time to the Committee, and at the expiration of 14 days from the date of such notice, or upon the issue by the Committee to the patient of a new medical card, whichever first occurs, the name of the patient shall be removed from the practitioner's list.

Evidence of Person's Title to Obtain Treatment.

7.—(1) A practitioner is entitled to require a person who applies for treatment as an insured person to produce his medical card. The production of the medical card is to be regarded as conclusive evidence of the applicant's right to treatment, unless

(*a*) the practitioner has been notified by the Committee that the card is no longer valid, or (*b*) the card indicates that the applicant is obtaining treatment through an approved institution and the applicant is within the district in which such institution has undertaken to treat him.

(2) (*a*) If a person in applying for treatment represents that he is an insured person, the practitioner is required to give any necessary treatment (including the supply of any drugs or appliances which he would be required himself to supply to a person presenting a medical card), notwithstanding that the applicant fails, on request, to produce his medical card or that the practitioner has been notified by the Committee that the card produced by the applicant is no longer valid, but the practitioner may demand and accept from the applicant a reasonable fee for any treatment rendered, including any drugs or appliances supplied, provided that he renders the applicant an account on a form to be provided by the Committee for the purpose or, if no account is rendered, gives him a receipt on a form to be similarly provided. The practitioner must not order any drug or appliance on one of the forms provided by the Committee so as to enable the holder to obtain the drug or appliance free of cost.

(*b*) If the applicant within 14 days thereafter applies to the Committee for a refund and the Committee are satisfied that he was eligible to receive treatment from the practitioner, the Committee may recover the fee from the practitioner by deduction from his remuneration or otherwise, and, subject to any deduction which may be made by way of inflicting a penalty on the applicant under the Committee's rules, shall repay to the applicant the amount of the fee. If the practitioner has supplied any drug or appliance for which, in the case of a person presenting a medical card, he would have been entitled to payment from the Committee, the Committee will credit him with the amount to which he would have been so entitled, and, if he has himself supplied any other drugs or prescribed appliances, with additional payments in this respect, calculated on the basis of the Drug Tariff.

(*c*) If the practitioner desires to accept the applicant for inclusion in his list, he will indicate his provisional acceptance on the form referred to above, and upon the Committee being satisfied as to the applicant's right to treatment, his name will be placed upon the practitioner's list as from the date when treatment was first given.

(3) If a person in applying for treatment does not represent himself to be an insured person, but subsequently within one month from the date of the presentation by the practitioner of an account or the payment to the practitioner of any fee or of the last of any fees paid in respect of that treatment, requests the Committee to secure the withdrawal of the account or the refund of the fee or fees and the Committee are satisfied that he was eligible to receive treatment from the practitioner as an insured person, the Committee may, if they think fit, require the practitioner to withdraw his account or recover from him by deduction from his remuneration or otherwise the fee or fees paid by the applicant, but in either event the Committee shall credit the practitioner with the remuneration to which he would have been entitled if the applicant has been attended by him as a temporary resident and with payments calculated on the basis of the Drug Tariff in respect of any drugs and prescribed appliances supplied to the applicant. Subject to any deduction which may be made by way of inflicting a penalty under the Committee's rules, the Committee shall repay to the applicant the amount of any fee or fees recovered.

Range of Service.

8.—(1) The treatment which a practitioner is required to give to his patients comprises all proper and necessary medical services other than those involving the application of special skill and experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess. Such services include either the administration of anæsthetics or the rendering of other assistance at any operation which is performed and is of a kind usually performed by a medical practitioner, whether the operation is itself within the scope of the practitioner's obligation under this clause or not, wherever such administration or assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(2) In the case of emergency the practitioner is required to render whatever services are, having regard to the circumstances, in the best interest of the patient.

(3) Notwithstanding anything contained in the preceding paragraphs the treatment which a practitioner is required to give does not include treatment in respect of a confinement, that is to say, attendance in labour resulting in the issue of a living child, or attendance in labour after 28 weeks of pregnancy resulting in the issue of a child whether alive or dead, or attendance within 10 days after labour in respect of any condition resulting therefrom.

(4) In determining whether a particular service is a service involving the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

(5) When the service has been rendered by the practitioner it shall be deemed to be a service not involving the application of such special skill and experience as aforesaid, unless he proves either,

(*a*) that he has held hospital or other appointments affording special opportunities for acquiring special skill and experience of the kind required for the performance of the service rendered, and has had actual recent practice in performing the service rendered or services of a similar character; or

(*b*) that he has had special academic or post-graduate study of a subject which comprises the service rendered, and has had actual recent practice as aforesaid; or

(*c*) that he is generally recognised by other practitioners in the area as having special proficiency and experience in a subject which comprises the service rendered.

Duties of Practitioner.

9.—(1) If the condition of the patient is such as to require treatment which is not within the scope of the practitioner's obligations under these terms of service, the practitioner shall advise the patient as to the steps which should be taken in order to obtain that treatment, and shall, where provision is made for such treatment in or for the area by any Public Authority, of which notice has been given by the Committee to the practitioner, take such other steps as may be reasonably necessary in order that the patient may derive full advantage from the provision of such treatment.

(2) A practitioner is required to attend and treat at the places, on the days, and at the hours to be arranged to the satisfaction of the Committee, any patient who attends there for that purpose, but he may, with the consent of the Committee, which shall not be unreasonably withheld, alter the places, days, or hours of his attendance, or any of them, and shall in that event take such steps as the Committee consider necessary to bring the alteration to the notice of his patients.

(3) A practitioner is required to provide proper and sufficient surgery and waiting-room accommodation for his patients, having regard to the circumstances of his practice.

(4) A practitioner is required to visit and treat a patient whose condition so requires at any place where the patient may at the time be within the district in which the practitioner has under these terms of service undertaken to visit patients.

(5) A practitioner is required to issue medical certificates to his patients free of charge in accordance with the terms of the Medical Certification Rules set out in Part IV of this Schedule.

(6) A practitioner is responsible for providing the services of another practitioner for the administration of an anæsthetic, when necessary, in connection with any operation which the practitioner may undertake under these terms of service, or for which he charges no fee as being in his opinion within those terms, or which he may undertake outside these terms of service, whenever such administration does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(7) A practitioner is required to supply to a patient where requisite

(*a*) drugs which are necessarily or ordinarily administered by a practitioner in person; and

(*b*) drugs and appliances required for immediate administration or application, or required for use before a supply can conveniently be obtained otherwise under the Regulations:

Provided that in the case of such drugs and appliances as may be specified in the Scheme to be made by the Committee under Article 23 of the Regulations the practitioner may, in lieu of supplying them himself, order them in accordance with the procedure laid down in paragraph (9) of this Clause if he is satisfied that the patient will not suffer inconvenience thereby.

(8) In the case of any patient to whom the Committee have required the practitioner to supply all requisite drugs and prescribed appliances the practitioner is required to supply such drugs and appliances.

(9) A practitioner is required to order, on a form provided by the Committee for the purpose, such drugs and prescribed appliances (other than those which he is required himself to supply under either of the two preceding paragraphs) as are requisite for the treatment of any patient. The order shall be signed by the practitioner with his own hand and shall not be written in such manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order.

(10) A practitioner is required to keep and furnish records of the diseases of his patients and of his treatment of them in such form as the Minister may from time to time determine.

(11) A practitioner is required—

(*a*) to prepare and send to the Tuberculosis Officer a report on a form to be provided by the Committee for the purpose (i) in regard to each patient whom the practitioner finds to be suffering from tuberculosis, such report to be furnished as soon as the practitioner becomes aware that the patient is suffering from tuberculosis, and (ii) in regard to each patient in respect of whom the Tuberculosis Officer requests the practitioner to furnish such a report, not being a patient in respect of whom the practitioner has already furnished a report under (i) above ;

(*b*) to prepare and send to the Tuberculosis Officer in regard to each patient who is recommended by the Tuberculosis Officer to receive treatment for tuberculosis from the practitioner reports on forms to be provided by the Committee for the purpose at such reasonable intervals, not exceeding three months, during the continuance of such treatment as may be arranged between the practitioner and the Tuberculosis Officer ;

(*c*) to prepare and send to the Tuberculosis Officer an immediate report of any serious change in the condition of a patient in respect of whom reports are being made under sub-paragraph (*b*) ;

(*d*) when he attends in an emergency a patient who is suffering from tuberculosis but who has not been recommended by the Tuberculosis Officer to receive treatment from the practitioner, and the emergency relates to the tuberculosis from which the patient is suffering or affects the treatment of that disease, to inform the Tuberculosis Officer of the emergency and of the nature of the treatment afforded ; and

(*e*) to confer with the Tuberculosis Officer at such times and in such circumstances as may be arranged between them in regard to patients suffering from tuberculosis.

The expression "Tuberculosis Officer" in this paragraph means the medical officer in clinical charge of the Tuberculosis Dispensary approved by the Minister for the district in which the patient resides, or such other medical officer as may be approved by the Minister for the purpose of this paragraph.

The forms to be provided by the Committee under sub-paragraphs (*a*) and (*b*) above shall be those set forth in the Seventh Schedule to these Regulations.

(12) A practitioner is required—

(*a*) to furnish in writing to the Medical Officer within such period as the latter may specify any information which he may require with regard to the case of any patient to whom the practitioner has issued or declined to issue a medical certificate of incapacity for work ;

(*b*) to meet the Medical Officer, when the latter so requires, for the purpose of examining, in consultation, any patient in respect of whom the practitioner has sought the advice of the Medical Officer ;

(*c*) upon due notice being given to afford to the Medical Officer, or to such other person as he may appoint for the purpose, access at all reasonable times to the practitioner's surgery or other place where the records required by these terms of service are kept for the purpose of the inspection of such records, and to furnish the Medical Officer with any such records, or with any necessary information with regard to any entry therein, as he may require ; and

(*d*) to answer any inquiries of the Medical Officer with regard to any prescription issued by the practitioner or to any statement made in any report furnished by him under these terms of service.

The expression "Medical Officer" in this paragraph means any medical officer appointed by the Minister for the district in which the practitioner carries on insurance practice.

(13) In the event of any appeal or dispute to which a patient is a party being referred to a referee under Section 67 of the principal Act, the practitioner will, if so requested by the patient, attend before the referee for the purpose of giving evidence and shall be entitled to receive such remuneration, including travelling expenses, in respect of such attendance as the Minister may determine.

Acceptance of Fees.

10.—(1) Except as provided in Clause 7 hereof with regard to fees charged by way of deposit and in the scheme for the distribution of funds amongst insurance practitioners made under Part II of this Schedule, a practitioner is not permitted to demand or accept any fee or other remuneration in respect of treatment which he is required

to give under these terms of service, or in respect of the supply to a patient of any drug or prescribed appliance, whether such drug or prescribed appliance is one which he is required by these terms of service to order or himself to supply.

(2) Except as provided in Clause 7 aforesaid a practitioner is not permitted to accept any fee or other remuneration in respect of any treatment given by him to a patient which is alleged to be not within the scope of the practitioner's obligations under these terms of service unless, within two days after the date on which the treatment is given, he has furnished the Committee, on a form to be supplied by them for the purpose, with such particulars relating to the service rendered as they may require.

Deputies, Assistants and Partners.

11.—(1) Save as provided in this Clause in the case of partners and assistants, all treatment shall be given by an insurance practitioner personally, except where he is prevented by urgency of other professional duties, temporary absence from home, or other reasonable cause: Provided that if the practitioner is unwilling to render any particular service or class of service within the scope of his obliagtions under these terms of service, he may make arrangements with another practitioner for the provision of such service by that practitioner as his deputy and on his behalf.

(2) A practitioner shall inform the Committee of the nature of any standing arrangements which he has made with any other practitioner or practitioners for securing the treatment of his patients in cases where he is unable, for any of the causes mentioned above, to give treatment personally, and shall not absent himself from his practice for more than one week without first informing the Committee of his proposed absence and of the person or persons responsible for conducting his insurance practice during such absence.

(3) (*a*) A practitioner shall not, except as a matter of temporary arrangement, employ an assistant to attend his insured patients without the previous consent of the Committee to the employment of such an assistant: Provided that the Committee shall not unreasonably withhold such consent, and shall in no case withhold consent without previous consultation with the Panel Committee, and that in case of disagreement between the Committee and the Panel Committee the practitioner shall be entitled to appeal to the Minister, whose decision shall be final.

(*b*) Before consenting to the employment by a practitioner of more than one assistant, the Committee shall obtain the approval of the Minister.

(*c*) The Committee may require that the name of any assistant so employed shall be placed on the medical list.

(4) A practitioner shall not without the previous consent of the Minister and of the Committee employ as a deputy or assistant any practitioner who is disqualified from being included in the medical list by reason of his name having been removed from the medical list of any Committee in Great Britain.

(5) A practitioner acting as deputy shall be entitled to treat patients at places other than those arranged by the practitioner for whom he is acting, due regard being had to the convenience of the patients.

(6) A deputy or assistant (other than a partner or assistant whose name is included in the medical list) shall, in addition to signing with his own name any medical certificate, prescription form, or other document required or authorised by these terms of service to be issued by a practitioner, insert therein the name of the practitioner for whom he is acting as deputy or assistant.

(7) A practitioner is responsible for all acts and omissions of any practitioner acting as his deputy or assistant.

(8) In the case of two or more insurance practitioners practising in partnership or as principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner in whose list the patient is included, instead of by the practitioner in person, provided that reasonable steps are taken to secure continuity of treatment, but in the case of treatment given by an assistant the patient will be entitled to require the personal services of the principal, except where the latter is prevented from attending or is unwilling to attend for any of the reasons referred to in paragraph (1) of this Clause.

For the purpose of this provision a practitioner will not be deemed to be a partner unless he is in the position of a principal in connection with the practice and is entitled to a share of the profits of the partnership which is not less than one-third of the share of any other partner.

Arrangements for Practice.

12. A practitioner shall not carry on insurance practice elsewhere than at his place of residence except upon such conditions as appear to the Committee, or on appeal the Minister, to be such as to enable his obligations under these terms of service, and

in particular his obligation to visit those of his patients whose condition so requires to be adequately carried out. Any condition so imposed may include a requirement that the patients of the practitioner are to be notified at the practitioner's expense of any special arrangements under which his insurance practice is carried on.

Disputes, Appeals, etc.

13. The terms of service relating to the following matters are contained in Parts V., VI., and VIII. of the Regulations respectively :—

(*a*) The investigation of questions arising between practitioners and their patients and other investigations to be made by the Medical Service Sub-Committee and the Joint Services Sub-Committee, and the action which may be taken by the Committee as a result of such investigations, including the recovery from the practitioner of any amount deducted from money payable to the Committee for defraying the cost of medical benefit.

(*b*) Appeals to the Minister from decisions of the Committee.

(*c*) The investigation of cases of alleged excessive prescribing.

(*d*) The determination of the question whether a particular service was within the scope of a practitioner's obligations under these terms of service.

(*e*) Inquiries with regard to the continuance of a practitioner on the medical list.

(*f*) The obligation of a practitioner to provide treatment at a rate of remuneration not exceeding that payable in respect of an insured person for any disabled member of a society (as defined in Part VIII. of the Regulations) whom the Committee may under the powers conferred on them by that part of the Regulations require him to treat.

Power of Minister to Suspend the System.

14. In the event of the Minister exercising any of the powers conferred on him by the proviso to sub-section (2) of Section 15 of the principal Act or by Section 11 of the Act of 1913, in respect of the area within which a practitioner is required to give treatment, the Committee may, if the Minister so requires, determine the practitioner's service on the medical list by giving him such notice as the Minister may require.

Issue of Notices to Practitioners.

15. Any notice which a Committee is required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been sent by post or delivered to or at the address of which the practitioner has last notified the Committee as that of his place of residence.

Interpretation.

* * * * * *

PART II.—METHOD OF REMUNERATING PRACTITIONERS.

1. Any one of the following methods of remuneration may be adopted in the scheme relating to the remuneration of insurance practitioners :—

(*a*) A capitation system, that is to say, payment by reference to the number of insured persons included in the practitioner's list.

(*b*) An attendance system, that is to say, payment by reference to the attendances given and services rendered by a practitioner to insured persons.

(*c*) A combined system, that is to say, payment by capitation except in respect of special classes of service for which payment is made by reference to the service actually rendered.

(*d*) Such other combination or modification of the above-mentioned systems, or any of them, as the Minister may approve :

Provided that any method which may be adopted shall secure that in cases in which the practitioner is required to provide the services of a second practitioner for the purpose of administering an anæsthetic, a special payment shall be made for such services.

2. The Scheme will provide for the following matters, or such of them as the method adopted may require :—

(*a*) The calculation of practitioners' lists.

(*b*) Payment for the services of a practitioner administering an anæsthetic, and power for the Panel Committee to examine and disallow accounts for such services subject to the practitioner's right of appeal to the Minister.

(*c*) Payment for treatment given by a practitioner in an emergency to an insured person for whose treatment another practitioner is responsible.

(*d*) Payment in respect of temporary residents.

(*e*) Adjustment of payment in the case of a practitioner who is exempted from the liability of having insured persons assigned to him.
(*f*) The method of charging to the Practitioners' Fund any sums allotted by the Insurance Committee to, and for the administrative expenses of, the Panel Committee.
(*g*) The method by which, and the time within which, the distribution of the Practitioners' Fund is to be made.
(*h*) Payment in the case of partnerships.
(*i*) Payment to practitioners in respect of the supply of drugs and appliances.
(*j*) Payment in respect of mileage.
(*k*) The issue at the end of each year by the Committee to each practitioner of a statement, in a form approved by the Minister, showing the amounts credited to the Practitioners' Fund and the Mileage Fund for the year, and the method by which the practitioners' shares, if any, of those funds has been calculated.
(*l*) Such other matters, if any, as the method adopted may require.

PART III.—FORM OF APPLICATION FOR ADMISSION TO MEDICAL LIST. NATIONAL HEALTH INSURANCE.

* * * * * *

PART IV.—MEDICAL CERTIFICATION RULES.

* * * * * *

SECOND SCHEDULE.

LIST OF APPLIANCES.

* * * * * *

THIRD SCHEDULE.

(RELATING TO CHEMISTS.)

FOURTH SCHEDULE.

PROVISIONS AS TO PERSONS REQUIRED OR ALLOWED TO MAKE THEIR OWN ARRANGEMENTS FOR OBTAINING TREATMENT.

1.—(1) The Committee may fix an income limit for the purpose of the administration of medical benefit, and may require insured persons whose incomes exceed that limit, in lieu of receiving medical benefit under the arrangements to be made by the Committee, to make their own arrangements for receiving treatment (including drugs and appliances) : Provided that the Committee may exclude from this requirement any insured persons who ought in the opinion of the Committee to be excluded whether by reason of the occupation or method of remuneration of the class to which they belong or of their circumstances or residence or otherwise.

(2) The Committee shall inform the Minister of any income limit proposed to be fixed by the Committee under these Regulations, and shall, before fixing, varying, or abolishing an income limit, give public notice of their intention so to do and shall consult the Local Medical Committee and Panel and Pharmaceutical Committees, and shall consider representations made to them by any Society having members resident in the County.

(3) Any Society having members resident in the County, or any Panel Committee or Pharmaceutical Committee for the County, may at any time, by notice in writing to the Committee, dispute the right of any insured person to receive medical benefit under the arrangements made by the Committee, on the ground that the income of that person exceeds the income limit and that he is not entitled to be excluded, or that, being an exempt person, his total income from all sources exceeds one hundred and sixty pounds a year.

(4) Upon receipt of any such notice the Committee may, if they think fit, give notice in writing to that person that unless, within a period specified in the notice, he satisfies the Committee that his income does not exceed that limit or that he is entitled to be excluded, or that, being an exempt person, his total income from all sources does

not exceed one hundred and sixty pounds a year, the Committee will require him to make his own arrangements; and if, within the said period, the insured person fails to satisfy the Committee as aforesaid, the Committee shall require him to make his own arrangements.

(5) Any decision of the Committee to fix, vary or abolish an income limit shall only take effect from the commencement of the succeeding calendar year.

(6) The Committee may allow any insured persons resident in the County, in lieu of receiving medical benefit under the arrangements made by the Committee, to make their own arrangements for receiving treatment.

(7) The period for which an insured person may be allowed to make his own arrangements shall be the period up to the end of the year in respect of which application is made, or such longer period as the Committee think fit.

(8) An insured person who is required to make his own arrangements for receiving treatment shall give notice to that effect to the Committee, and an insured person who desires permission to make his own arrangements shall apply to the Committee for permission in such manner as the Committee, with the approval of the Minister, may require.

2. If an insured person who is required or permitted to make his own arrangements for obtaining treatment removes temporarily from the County, he shall be deemed, for the purposes of any contribution to be made to him towards the cost of such treatment, to have remained in the County. If he removes permanently he shall, if required to make his own arrangements, give notice forthwith to that effect to the Committee for the County to which he has removed, and, if allowed to make his own arrangements, shall be entitled to apply to such Committee for further permission or to select another method of obtaining treatment, as he thinks fit. If the removal is permanent, his name shall be transferred from the Register of the Committee for the one County to that of the other as from the date on which the first Committee received notice from the second that he has given notice that he is required, or has applied for permission, to make his own arrangements.

3.—(1) For the purpose of enabling the Committee to make contributions towards the cost of treatment (including medicines and appliances) of persons required or allowed to make their own arrangements (in this Article referred to as "persons making their own arrangements"), there shall be credited to the Committee in respect of each year a sum equal to the amount available for treatment (including such sum as the Minister may estimate to represent the average cost of the supply of drugs and appliances to insured persons) of an insured person multiplied by the number of persons making their own arrangements in the area. The number of these persons shall be calculated by dividing by four the sum of the numbers of persons making their own arrangements at the commencement of each quarter. The sum so credited to the Committee shall be carried to a fund in their books to be called the Special Arrangements Fund.

(2) Where an insured person makes his own arrangements for obtaining treatment from a duly qualified medical practitioner, and the Committee are of opinion upon such evidence as they think sufficient that the arrangements are such as to secure treatment (including drugs and appliances) not inferior in nature, quality or extent to that provided under the arrangements made by the Committee there shall, subject as hereinafter provided, be paid out of the Special Arrangements Fund by way of contribution to the cost of the treatment and of drugs and appliances, amounts calculated as follows, namely:—

(*a*) the Minister shall determine what proportion of the sums credited to the Special Arrangements Fund shall be treated as available for defraying the cost of treatment, and what proportion shall be treated as available for defraying the cost of drugs and prescribed appliances;

(*b*) in the case of a person who has contracted for a fixed sum to obtain treatment for the year, or any part thereof, the sum so to be paid shall be a sum equal to the amount contracted to be paid by him or a sum equal to the aggregate amount in the Special Arrangements Fund which is or would, if no reduction were made in the fund by reason of the loss of any sums withheld from the Committee, have been available for defraying the cost of treatment for that year or that part of the year divided by the number of persons making their own arrangements, whichever is the less, and the necessary amount shall be appropriated from the Special Arrangements Fund for that purpose: Provided that, where the person who has so contracted to obtain treatment removes from the area within which that treatment is available during the period for which he has contracted to obtain treatment, the calculation shall be made as though the period for which he had so contracted were a period determining on the expiration of the quarter in which he removes, and the sum payable to him shall be reduced accordingly;

(*c*) in the case of a person who has not contracted for a fixed sum to obtain treatment for the year or any part thereof, or in the case of a person who has contracted for a fixed sum to obtain treatment for part of the year only, the sum, if any, expended by him in obtaining treatment for the year or for the remainder of the year, as the case may be, shall be deemed to be a sum calculated in accordance with a scale of fees fixed by the Committee, and payment shall be made accordingly, save that, where the aggregate amount expended by all such persons exceeds the amount in the Special Arrangements Fund available for defraying the cost of treatment (after deducting the amount appropriated under the last preceding paragraph), the amount contributed in the case of each such person shall be reduced proportionately;

(*d*) payment shall be made in respect of the cost of drugs and appliances out of the amount available in the Special Arrangements Fund for defraying the cost of drugs and appliances and the method of calculating the amount payable shall be similar to that prescribed for payment in respect of the cost of treatment:

Provided that it shall be a condition of any payment that the drugs and appliances supplied to any person making his own arrangements with a practitioner shall be supplied otherwise than by or at the profit of the practitioner who is attending him, except where the circumstances of the person are such that the practitioner would, if he were attending that person under the arrangements made by the Committee, be entitled under his agreement with the Committee to supply drugs and appliances to that person.

(3) Where an insured person contracts with a person, other than a duly qualified medical practitioner to obtain treatment (whether including drugs and appliances or not) from him for a fixed sum for the year or any part thereof, the Committee may make such contribution towards the sum contracted to be paid, not exceeding in amount the maximum contribution payable in the case of a person who contracts with a duly qualified medical practitioner, as they think fit, but upon any representation being made by a Society that the treatment is not such as will adequately protect the funds of the Society, the Committee may either withhold the contribution or may make such a deduction therefrom as they may in any case determine.

(4) Save as aforesaid, the Committee shall not make any contribution in the case of an insured person making his own arrangements who obtains treatment otherwise than from a duly qualified medical practitioner.

(5) Where the contract, if any, entered into between the person making his own arrangements and the person undertaking to give treatment does not require the latter person to comply with the conditions referred to in Article 21 of these Regulations, or where any treatment given to a person making his own arrangements does not comply with those conditions, and by reason thereof the sum payable to the Committee in respect of medical benefit is reduced, the contribution, if any, made by the Committee towards the cost of the treatment provided by that person shall be proportionately reduced.

(6) Any sum standing to the credit of the Special Arrangements Fund at the end of any year shall be debited to the Committee and credited to the General Medical Benefit Fund.

FIFTH SCHEDULE.

PROVISIONS OF THE ARBITRATION ACT, 1889, APPLIED TO APPEALS.

* * * * * *

SIXTH SCHEDULE.

PART I.

(*Forms.*)

PART II.

Rules for procedure at Inquiry.

1. The Inquiry Committee shall be at liberty to proceed with the Inquiry on the appointed day in the absence of either party (whether represented or not), if they are of opinion that it is just and proper to do so.

2.—(1) The Inquiry Committee may adjourn the Inquiry from time to time as they think fit, and hold adjourned sittings at such time and place as may appear to them suitable.

(2) Witnesses may be heard at the Inquiry on behalf of either party, and all witnesses (including the parties) shall be subject to examination and cross-examination as nearly as may be as if they were witnesses in an ordinary action.

(3) The Chairman of the Committee shall preside at the Inquiry, but, subject to the decision of the Chairman as to the admissibility of any question, any member of the Committee may put questions to any witness, and the Committee may if they think fit call for such documents and examine such witnesses as appear to them likely to afford evidence relevant and material to the issue, although not tendered by either party.

3. Subject to the provisions of Part VI. of these Regulations and of this Schedule, the proceedings at the Inquiry shall be conducted in such manner as the Inquiry Committee may direct.

SEVENTH SCHEDULE.

(*Form of Reports on Patients Diagnosed as Suffering from Tuberculosis.*)

* * * * * *

RECORD OF PROGRESS.

* * * * * *

ROYAL COMMISSION ON NATIONAL HEALTH INSURANCE.

By Order in Council dated 11th July, 1924, the King appointed a Royal Commission to inquire into the scheme of National Health Insurance established by the National Health Insurance Acts, 1911–22, and to report what, if any, alterations, extensions or developments should be made in regard to the scope of that scheme and the administrative, financial and medical arrangements set up under it:

The Commissioners are: Charles Napier, Baron Lawrence of Kingsgate (Chairman), Sir John Anderson, Sir Humphry Davy Rolleston, Sir Alfred William Watson, Sir Arthur Worley, Sir Andrew Rae Duncan, Arthur Digby Besant, Fred Bramley, James Cook, John Evans, Alexander Gray, William Jones, Florence Nightingale Harrison Bell, and Gertrude Mary Tuckwell.

NATIONAL HEALTH INSURANCE ORDERS, 1924.

S. R. & O. No.	Date. 1924.	Subject.
128	8th February	N.H.I. (Deposit Contributors) Amendment Regs.
208	29th „	„ (Irish Free State Reciprocal Arrangements) Order.
212	29th „	„ (Central Index Committee) Amendment Regs.
375	2nd April	„ Navy, Army and Air Force Amendment Regs.
398	7th „	„ Medical Benefit Regs.
433	16th „	„ Central Index Committee Amendment Regs. (Wales).
468	14th „	„ Credit to Approved Societies Regs.
806	13th May	„ Reserve and Auxiliary Forces Order.
912	2nd June	„ Subsidiary Employments Order.
1099	26th September	„ Insurance Committees Amendment Regs.
1132	6th October	„ Scilly Isles Insurance Committee Amendment Regs.
1242	30th „	„ Arrears Amendment Regs.

NATIONAL HEALTH INSURANCE ORDERS, 1924—*continued.*

S. R. & O. No.	Date. 1924.	Subject.
1244	1st November	N.H.I. Inspectors' Certificates Regs.
1299	14th ,,	,, Compensation Agreements Regs.
1300	14th ,,	,, Medical Benefit Regs. (No. 2).
1301	11th ,,	,, Unclaimed Proceeds of Stamp Sales Regs.
1315	18th ,,	,, Joint Committee Regs.
1316	18th ,,	,, Valuation Regs.
1321	18th ,,	,, Requisition for Births, etc. Certificates Regs.
1337	24th ,,	,, (Decision of Questions) Regs.
1396	24th ,,	,, (Special Order Inquiry) Rules.
1433	17th December	,, Medical Benefit Consolidation Regs.
1459	16th ,,	,, (Investment Account) Regs.
1461	16th ,,	,, Seamen's Medical Benefit Regs.
1467	16th ,,	,, Navy, Army and Air Force Amendment Regs. (No. 2)
1468	23rd ,,	,, Reserve and Transfer Values Regs.
1483	23rd ,,	,, Deposit Contributors Amendment Regs. (No. 2).
1500	23rd ,,	,, Collection of Contributions Regs.
1501	30th ,,	,, Exempt Persons Regs.
1506	30th ,,	,, Isle of Man Reciprocal Arrangements Regs.
1507	30th ,,	,, Mercantile Marine, Collection of Contributions Regs.
1516	23rd ,,	,, Approved Societies Regs.
1517	23rd ,,	,, Exempt Persons Amendment Regs.
1542	23rd ,,	,, Discharged Seamen, Soldiers and Airmen Regs.
1543	15th ,,	,, Deposit Contributor Regs.
1544	15th ,,	,, Navy, Army and Air Force Regs.
1545	15th ,,	,, Arrears Regs.
1546	23rd ,,	,, Insurance Committees Regs.

INSURANCE (LIFE).

See "CHILDREN."

INSURANCE (UNEMPLOYMENT).

I.—STATUTES.

UNEMPLOYMENT INSURANCE ACT, 1924. 14 Geo. 5, c. 1.

[21st February 1924.]

* * * * * *

1. Proviso (2) to section two of the Unemployment Insurance Act, 1923 (which relates to the conditions for receipt of benefit in the year following the fourth special period) shall cease to have effect on and after the twenty-first day of February, nineteen hundred and twenty-four.

* * * * * *

UNEMPLOYMENT INSURANCE (No. 2) ACT, 1924. 14 & 15 Geo. 5, c. 30.

[1st August 1924.]

1.—(1) Until the thirtieth day of June nineteen hundred and twenty-six, an insured contributor who is unemployed shall, if and so

long as the statutory conditions are fulfilled in his case and he is not disqualified under the Unemployment Insurance Act, 1920 (in this Act referred to as "the principal Act"), for the receipt of unemployment benefit (in this Act referred to as "benefit"), be entitled, subject to the provisions of the Unemployment Insurance Acts, 1920 to 1924, and to the provisions contained in Part I. of the First Schedule to this Act (which re-enacts with modifications the provisions of the Second Schedule to the principal Act), to receive such benefit in accordance with the provisions hereinafter contained in this section.

(2) An applicant for benefit in whose case the requirements of subsection (1) of this section are fulfilled shall, unless the number of the contributions paid in respect of him since the beginning of the insurance year next before the beginning of the benefit year in which the application for benefit is made is less than twenty, be entitled to receive benefit in the proportion of one week's benefit for every six contributions paid in respect of him and for periods not exceeding in the aggregate twenty-six weeks in a benefit year.

(3) If an applicant for benefit in whose case the requirements of subsection (1) of this section are fulfilled is not entitled thereto under the provisions of the last preceding subsection, by reason either that the number of contributions paid in respect of him within the period therein mentioned is less than twenty, or that sufficient contributions are not standing to his credit or that he has already received benefit for periods amounting in the aggregate to twenty-six weeks in the benefit year in which the application is made, he shall nevertheless be entitled to receive benefit if in addition to satisfying the requirements aforesaid he also proves—

(*a*) that he is normally employed in such employment as would make him an employed person within the meaning of the principal Act (in this Act referred to as "insurable employment"), and will normally seek to obtain his livelihood by means of insurable employment;

(*b*) that in normal times insurable employment suited to his capacities would be likely to be available for him;

(*c*) that he has, during the two years immediately preceding the date of the application for benefit, been employed in an insurable employment to such an extent as was reasonable, having regard to all the circumstances of the case and in particular to the opportunities for obtaining insurable employment during that period;

(*d*) that he is making every reasonable effort to obtain employment suited to his capacities and is willing to accept such employment.

For the purposes of paragraph (*c*) of this subsection:

(i) in the case of a seaman, marine, soldier or airman in respect of whom a payment is to be made or has been made under section forty-one of the principal Act, service as seaman, marine, soldier, or airman; and

(ii) in the case of any person formerly engaged in war service, the undergoing of training for an insurable occupation, where the cost of the training is defrayed out of funds administered by the Minister or by the Minister of Pensions;

shall be treated as employment in insurable employment.

In the foregoing provision the expression "person formerly engaged in war service," has the same meaning as in the Unemployment Insurance Act, 1922 (*a*).

(4) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed within the meaning of this section during a period in respect of which he continues to receive wages or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received if the employment had not terminated.

(5) For the purposes of this Act, the expression "benefit year" means in relation to any insured contributor the period of twelve months commencing on the date on which that contributor first makes an application for benefit next after this Act comes into operation, and every subsequent period of twelve months commencing on the date on which that contributor first makes an application for benefit next after the termination of his last preceding benefit year:

Provided that, if in the case of any insured contributor, this Act comes into operation at a time when he is continuously unemployed, the benefit year current at the commencement of this Act shall, unless the Minister otherwise directs, continue in relation to him until the date on which the period of continuous unemployment ceases, but not in any case beyond the fifteenth day of October, nineteen hundred and twenty-four.

(6) In the case of a person who has satisfied the requirements for the receipt of benefit in the first benefit year, as defined in section three of the Unemployment Insurance Act, 1923, the Minister may, during such period as may be necessary for the examination of his qualifications for the receipt of benefit under this Act, but not exceeding six weeks next after the passing of this Act, authorise payment of benefit to him under subsection (3) of this section, as if he were a person who complied with the requirements of that subsection.

2.—(1) As from the second Thursday next after the commencement of this Act benefit shall be at the weekly rates set out in Part II. of the First Schedule to this Act.

(2) Section one of the Unemployment Insurance Act, 1922 (which provides that the weekly rate of benefit authorised by the Unemployment Insurance Acts, 1920 and 1921, shall be increased in respect of certain dependants), shall apply to the weekly rate of benefit

(*a*) By s. 16, sub-s. (1), of the Act of 1922, the expression "person formerly engaged in war service" means any person belonging to the classes of persons to whom the scheme in force at the commencement of Act No. 1 of 1921 for paying donation in respect of unemployment to discharged sailors, soldiers, and other persons applied, or would have applied if it had continued in force.

authorised by this section as it applies to the weekly rate of benefit authorised by the said Acts, subject to the following modifications, namely, that the increase—

(*a*) shall be allowed in the case of an unmarried person (not being a person entitled to an increase under the said section otherwise than in respect of his dependent children) who has living with him and is wholly or mainly maintaining his widowed mother;

(*b*) shall be allowed in the case of a widow or an unmarried woman who has residing with her any female person for the purpose of having the care of her dependent children and is maintaining that person; and

(*c*) in respect of a child shall be two shillings instead of one shilling.

3.—(1) Section seven of the principal Act (which prescribes the statutory conditions for the receipt of benefit) shall be amended as follows:—

(*a*) The following paragraphs shall be substituted respectively for paragraphs (i), (iii) and (iv) of subsection (1):—

"(i) that he proves that not less than thirty contributions have been paid in respect of him under this Act since the beginning of the first of the two insurance years next before the beginning of the benefit year in which the application for benefit is made";

"(iii) that he is capable of and available for work";

"(iv) that he is genuinely seeking work, but unable to obtain suitable employment";

(*b*) After the words "than those" in paragraph (*b*) of the proviso to subsection (1) there shall be inserted the words "which he might reasonably have expected to obtain having regard to those."

(2) During the period between the commencement of this Act and the first day of October, nineteen hundred and twenty-five, a person shall be entitled to receive benefit if the Minister thinks fit so to direct in his case, notwithstanding that the first statutory condition may not have been fulfilled in his case.

4.—(1) Subsection (1) of section eight of the principal Act (which imposes a disqualification for the receipt of benefit during a stoppage of work) shall not apply in any case in which the insured contributor proves that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work, and that he does not belong to a grade or class of workers members of which are participating in or financing or directly interested in the dispute, or that the stoppage is due to an employer acting in a manner so as to contravene the terms or provisions of any agreement existing between a group of employers where the stoppage takes place, or of a national agreement to either of which the employers and employees are contracting parties.

(2) Subsection (3) of section eight of the principal Act (which

disqualifies an insured contributor for the receipt of benefit while he is an inmate of any workhouse or other institution supported wholly or partly out of public funds) shall not apply in the case of an insured contributor who is an inmate of an institution used as a place of residence for workers if he proves that he was an inmate of the institution immediately before he became unemployed and that during the time when he was employed he paid the whole or a substantial part of the cost of his maintenance as such inmate.

5.—(1) The contribution to be made for the purposes of section five of the principal Act, out of moneys provided by Parliament shall be at a rate equal to one-half of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or, in the case of an exempt person, paid by his employer, and subsections (3) and (7) of the said section five shall have effect accordingly.

(2) This section shall have effect as from the date to be prescribed by the Minister under subsection (2) of section four of the Unemployment Insurance Act, 1923, as the date on which new rates of contribution are to come into force.

6. There shall be included among the expenses of which account may be taken for the purposes of the proviso to subsection (3) of section twelve of the principal Act (which provides that such sum as the Treasury may direct, not exceeding one-eighth of the receipts of the unemployment fund, shall be applied as an appropriation in aid of the moneys provided by Parliament for the purpose of the salaries, remuneration and expenses therein mentioned)—

(*a*) such sum as in the opinion of the Treasury approximately represents the amount in each year of the accruing liability in respect of the benefits to which any officers, inspectors or servants employed for the purposes of the principal Act will on their retirement become entitled under the Superannuation Acts, 1834 to 1919; and

(*b*) any capital expenditure incurred for the purpose of providing premises for the purposes of the principal Act:

Provided that, if in any case where the amount of any such capital expenditure has been charged to the unemployment fund the premises in respect of which the expenditure was incurred are sold or are used for purposes other than those of the said Act, there shall be deducted from the amount thereafter chargeable to the unemployment fund under the said proviso such sum as may be determined by the Treasury, with the consent of the Minister, to represent the then value of the premises; and

(*c*) in the case of any premises occupied for the purposes of the principal Act in respect of which no rent is payable, such an amount as is estimated by the Treasury, with the consent of the Minister, to represent the rental value of the premises, after allowing for any capital expenditure incurred as aforesaid, which has been charged to the unemployment fund.

7.—(1) Section seventeen of the principal Act (which provides for arrangements being made with associations which make payments to their members while unemployed for the payment to such associations of sums out of the unemployment fund equivalent to the amount which those members would have received by way of unemployment benefit), as amended by any subsequent enactment, shall have effect as if in subsection (1) thereof there were substituted for the words "which those persons would have received" the words "which those persons would have been entitled to receive."

(2) Where in consequence of a decision of an insurance officer or umpire or a recommendation of a court of referees a society or other association has paid to one of its members any sum by way of provision for unemployment, then, if the decision or recommendation is subsequently revised, so much of that sum as represented the amount of benefit which but for the arrangement would have been payable to that person may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered, without prejudice to any other remedy, by means of deductions from any benefit or from any payment from the society or other association to which that person thereafter becomes entitled.

Any question whether a person is liable under the provisions of this subsection to have a reduction made from any benefit or payment due to him shall be determined in the same manner as a claim for benefit.

8.—(1) The power of the Minister under section eighteen of the principal Act to make special orders approving or making special schemes shall be suspended until the expiration of one year from the termination of the deficiency period referred to in the Unemployment Insurance (No. 2) Act, 1921:

Provided that the foregoing provision shall not affect the power of the Minister to approve a scheme if a draft thereof appearing to him to be complete was submitted to him before the third day of April, nineteen hundred and twenty-four, and application was before that date made to him to approve the scheme in accordance with the provisions of section eighteen of the principal Act.

(2) For the purpose of securing in the case of a special scheme (whether approved before or after the commencement of this Act) that like rates of benefit shall be payable to the persons to whom the scheme applies as are payable under this Act, and that the benefits under the scheme shall otherwise be not less favourable than those provided by the general provisions of the Unemployment Insurance Acts, 1920 to 1924 (but for no other purpose), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in the said section eighteen, by order vary or amend the provisions of the scheme, and any such order may provide for consequential amendments as to the rates of contribution and otherwise.

(3) Subsection (7) of section eighteen of the principal Act (which provides for the payment of a certain sum in every year out of moneys

provided by Parliament to the body charged with the administration of a special scheme) shall cease to have effect.

(4) The power of the Minister under subsection (9) of section eighteen of the principal Act to vary or amend the provisions of a scheme made under that section may, except in the case of provisions relating to rates of contribution, rates or duration of benefit, or the constitution of the body charged with the administration of the scheme, be exercised by order instead of by special order.

Any order, not being a special order, made under the said subsection (9), as amended by this subsection, for varying or amending the provisions of a scheme shall be laid before both Houses of Parliament in the same manner as regulations made under the principal Act, and subsection (3) of section thirty-five of the principal Act shall apply accordingly.

9.—(1) If on an application made under this section the Minister is satisfied that any person who is or has been an insured contributor had before the date on which this section comes into operation—

(*a*) paid contributions in respect of not less than fifty weeks in accordance with the general provisions of the principal Act; and

(*b*) reached the age of fifty years;

that person or his personal representative shall be entitled to be paid out of the unemployment fund a sum representing the present worth as on that date of the amount of the excess value of the contributions paid by him as increased (in the case of an insured contributor who has not attained the age of sixty years) by compound interest at the rate of two-and-a-half per cent. per annum on the amount of that excess value from the date aforesaid until the date on which he would attain the age of sixty years.

(2) An application for a payment under this section must be made in the prescribed manner and within twelve months after the date on which this section comes into operation.

(3) For the purposes of this section—

(*a*) the amount of the excess value of the contributions paid by an insured contributor shall be taken to be the amount by which the total amount of the contributions actually paid by him exceeds the aggregate of the sums received by him by way of benefit, together with compound interest on that excess up to the date on which this section comes into operation at such rate and calculated in such manner as is directed by section twenty-five of the principal Act:

(*b*) in calculating the excess value of contributions—

(i) contributions and benefit paid subsequently to the seventh day of November, nineteen hundred and twenty, shall be reckoned as if they had been paid at the rates at which contributions and benefit were respectively payable under the principal Act as originally enacted; and

(ii) no account shall be taken of contributions repaid

or refunded, of benefit previously taken into account for the purposes of a refund under any of the provisions of the principal Act, of grants or contributions paid under the Unemployed Workers' Dependants (Temporary Provisions) Act, 1921, of contributions on account of which a payment has been made under subsection (10) of section eighteen of the principal Act to the body charged with the administration of a special scheme, or, where no contributions have been paid in respect of any person for a period comprising five insurance years, of contributions paid in respect of him, or benefit paid to him, before the last such period ; and

(*c*) the present worth of the amount of the excess value of contributions as increased by any such compound interest as aforesaid (if any) shall be calculated in manner prescribed by regulations, and any regulations made for that purpose shall direct that in making the calculation regard shall be had, among other matters, to the fact that contributions may cease for a period comprising five insurance years to be paid in respect of the insured contributor, and, in the case of an insured contributor who has not attained the age of sixty years, to the fact that he may not live to attain that age.

(4) Payment to an insured contributor under this section shall not affect his liability to pay contributions.

(5) Section twenty-five of the principal Act shall cease to have effect, except that, where any person had before the date upon which this section comes into operation become entitled to claim a repayment under that section, an application may be made in that behalf under that section instead of under this section at any time within twelve months after the date on which this section comes into operation, and no repayment to which any person may be entitled under section ninety-five of the National Insurance Act, 1911, shall be made unless an application for repayment is made to the Minister within the said period of twelve months.

(6) If in any case where there is a failure to make any such application as is mentioned in this section within the period of twelve months after the date on which this section comes into operation it is shown to the satisfaction of the Minister that there was good cause for the failure, the Minister may allow the application to be made at any time within four years after the expiration of the said period.

(7) This section shall come into operation on the seventh day of July, nineteen hundred and twenty-four.

10.—(1) Subsection (2) of section forty of the principal Act, which provides that a man of the Air Force Reserve shall be deemed while undergoing training to be an employed person in the service of the Crown, shall apply to men of the Auxiliary Air Force as it applies to men of the Air Force Reserve.

(2) The following subsection shall be substituted for subsection (1) of section nine of the Unemployment Insurance (No. 2) Act, 1921:—

"(1) Where after the passing of this Act any person—

(*a*) being a naval pensioner or a man of the Naval Reserves, Army Reserve, or Air Force Reserve, is called into actual service on an occasion of great emergency or called out for service otherwise than for training, as the case may be; or

(*b*) engages as a seaman in the Navy, or enlists as a marine in the Royal Marines, as a soldier in the regular Army or as an airman in the regular Air Force, on an occasion of great emergency for service during the emergency; or

(*c*) being a man of the Territorial Army, is called out for actual military service or is embodied, or, being a man of the Auxiliary Air Force, is called out for actual Air Force service or is embodied;

he shall, during the period of four months from the date on which he is so called into actual service, called out for service, engages, enlists, is called out for actual military service or actual Air Force service, or is embodied, as the case may be, or during the period between that date and the date on which the service or embodiment terminates, whichever period is the shorter, be treated for the purposes of section forty of the principal Act, as amended by any subsequent enactment, as if he were a man of the Naval Reserves, the Army Reserve, the Air Force Reserve, the Territorial Army, or the Auxiliary Air Force, as the case may be, undergoing training and in receipt of pay out of moneys provided by Parliament for the Navy, Army, or Air Force services."

(3) Section forty-one of the principal Act (which makes special provision with respect to discharged seamen, marines, soldiers, and airmen), as amended by any subsequent enactment, shall have effect as if—

(*a*) The references therein to soldiers and airmen included respectively references to men of the Territorial Army and men of the Auxiliary Air Force who, having been called out for actual military service or actual Air Force service, or having been embodied, are not discharged within the period of four months mentioned in the section directed by this section to be substituted for subsection (1) of section nine of the Unemployment Insurance (No. 2) Act, 1921; and

(*b*) In subsection (4) thereof the words "who is discharged at his own request or at the request of his parent or guardian or" were omitted, and after the words "civil court" there were inserted the words "or to any person discharged on account of fraudulent enlistment," and at the end thereof there were

inserted the words "or to any seaman, marine, soldier or airman who is discharged at his own request, or at the request of his parent or guardian or of some other interested person, unless he is discharged within three months of the date when he is due for discharge for the purpose of taking up civil employment which would not otherwise remain open for him"; and

(*c*) In subsection (5) thereof, at the end of the definition of "seaman" there were added the words "but does not include native ratings, or Maltese recruited outside the United Kingdom," and at the end of the definition of "airman" there were added the words "other than a native or a Maltese recruited outside the United Kingdom."

11. Proceedings for the summary recovery as civil debt of sums due to the unemployment fund may, notwithstanding anything in any Act to the contrary, be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of unpaid contributions or a consecutive series of payments on account of benefit, within twelve months from the date on which the last of the contributions became payable or the last payment on account of benefit was received.

12. Provision may be made by regulations under section thirty-five of the principal Act for the appointment of a person to receive on behalf of or as representative of an insured contributor who becomes of unsound mind or dies any sums payable out of the unemployment fund to or in respect of him.

13. The power of the Minister under section thirty-five of the principal Act to make regulations shall include power to make regulations prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct.

14. The following shall be substituted for subsection (2) of section fourteen of the principal Act:—

"(2) The accounts of the unemployment fund shall be examined by the Comptroller and Auditor General and shall, together with his report thereon, be laid before Parliament."

15. The Minister may by regulations prescribe the date on which the period constituting the insurance year is to commence, and any such regulations may contain such consequential and supplemental provisions as appear to the Minister to be necessary for dealing with or regulating the transition from the old to the new period, and in particular for making provision with respect to any period of time between the end of one insurance year and the commencement of the next insurance year.

16. The amendments specified in the second column of the Second

Schedule to this Act (which relate to consequential and minor matters) shall be made in the enactments specified in the first column of that Schedule.

17.—(1) This Act may be cited as the Unemployment Insurance (No. 2) Act, 1924, shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1924, and shall be construed as one with those Acts, and any reference in this Act to those Acts, or to any of them, or to any provision contained in any of them, shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act.

(2) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(3) If a question arises whether a person satisfies the additional conditions required to be satisfied by a person applying for benefit under subsection (3) of section one of this Act, or with respect to the date of the making of an application for benefit, that question shall be decided by the Minister, whose decision thereon shall be final.

(4) The Minister may, if he thinks fit, refer to any committee to which questions may be referred under subsection (5) of section thirteen of the principal Act any question which is to be decided by him under this Act, and any question arising under subsection (2) of section three of this Act whether a person should be allowed to receive benefit notwithstanding that the first statutory condition is not fulfilled in his case.

(5) The provisions of this Act amending sections forty and forty-one of the principal Act shall have effect with respect to those sections (as amended by any subsequent enactment, including any Order in Council made under the Government of Ireland Act, 1920) as they apply to Northern Ireland, but save as aforesaid this Act shall not apply to Northern Ireland.

(6) The Minister may by regulations provide for the transition from the provisions of the Unemployment Insurance Acts, 1920 to 1924, to the provisions of those Acts as amended by this Act.

SCHEDULES.

FIRST SCHEDULE.

PART I.

SUPPLEMENTAL PROVISIONS RELATING TO RIGHT TO UNEMPLOYMENT BENEFIT.

1. Benefit shall be payable in respect of each week after the first three days of a continuous period of unemployment.

2. No person shall receive benefit in respect of any period of less than one day.

3. The following provisions shall have effect for the purpose of determining the number of contributions which are to be taken as standing at any time to the credit of any person :—

(*a*) Where owing to the fact that the wages or other remuneration of an employed person are paid at intervals greater than a week, or for any other like reason, contributions are paid in respect of any person at

intervals greater than a week, that person shall be entitled to treat each of those contributions as being such number of contributions as there are weeks in the period in respect of which the contribution was paid:

(*b*) there shall be deducted from the aggregate number of contributions actually paid in respect of him one contribution in respect of each day of benefit previously received by him, exclusive of any benefit received in respect of the period between the seventh day of November, nineteen hundred and twenty, and the termination of the fourth special period, or in the case of benefit received in respect of the period before the eighth day of November, nineteen hundred and twenty, five contributions in respect of each week of benefit received.

4. Any time during which a person is under the provisions of the principal Act disqualified, otherwise than by reason of being in receipt of sickness or disablement benefit or disablement allowance under the National Health Insurance Acts, 1911 to 1922, for receiving benefit shall be excluded in the computation of continuous periods of unemployment under this Part of this Schedule.

5. A period of unemployment shall not be deemed to commence until the date on which the insured contributor makes application for benefit in the prescribed manner:

Provided that regulations may be made under section thirty-five of the principal Act for authorising some earlier date to be substituted for the date of the application in cases in which good cause is shown for delay in making the application.

PART II.

WEEKLY RATES OF UNEMPLOYMENT BENEFIT.

Class of Persons to whom Rate applies.	Rate of Benefit. s.	d.
Men	18	0
Women	15	0
Boys who have attained the age of sixteen years, but are under the age of eighteen years	7	6
Girls who have attained the age of sixteen years, but are under the age of eighteen years	6	0

SECOND SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS.

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920:	
Section 5 (5)	At the end of the subsection there shall be inserted the words "nor in respect of any blind person who is in receipt of a pension under those Acts as extended by section one of the Blind Persons Act, 1920."
Section 7 (2) (*a*)	After the words "the remuneration," wherever they occur, there shall be inserted the words "or profit," and after the words "is payable" there shall be inserted the words "or is earned."
Section 8 (2)	The words "not being less than one week" shall be repealed.
Section 8 (4)	The words from the beginning to "this Act and" shall be repealed.
Section 8 (5)	At the end of the subsection there shall be inserted the words "or under those Acts as extended by section one of the Blind Persons Act, 1920."
Section 10 (1) (*c*)	After the words "who is" there shall be inserted the words "or was."

Enactment to be amended.	Amendment.
Section 11 (3) -	Leave out "if so requested by the Court of Referees."
Section 17 (1) -	For the words "exceeds by at least five shillings per week in the case of men, four shillings per week in the case of women, two shillings and sixpence per week in the case of boys, and two shillings per week in the case of girls," there shall, as from the first day of October, nineteen hundred and twenty-five, be substituted the words "exceeds in respect of periods of unemployment amounting in the aggregate to not less than thirteen weeks in a period of twelve months by at least five shillings per week in the case of men, four shillings per week in the case of women, two shillings and sixpence per week in the case of boys, and two shillings per week in the case of girls, and in respect of any further periods of unemployment in the same period of twelve months by at least half the several amounts aforesaid."
Section 22 (7) -	After the words "within the meaning of this Act or not" there shall be inserted the words "or as to who is or was the employer of an employed person."
Section 28 (1) -	After the words "had not been paid" there shall be inserted the words "and the regulations may provide, in the case of contributions paid by an employer on behalf of the employed person and not recovered from him, for the return under this section being made to the employer instead of to the employed person."
The Unemployment Insurance (No. 2) Act, 1921:	
Section 10 - -	For the words "the statutory condition that he is capable of and available for work but unable to obtain suitable employment" there shall be substituted the words "the third or the fourth statutory condition."
The Unemployment Insurance Act, 1923:	
Section 5 (1) -	For the words "less than three" there shall be substituted the words "not more than six."
Section 11 (1) -	For the words "beginning of the second benefit year" there shall be substituted the words "first day of October, nineteen hundred and twenty-five."

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5, c. 30.	The Unemployment Insurance Act, 1920.	Section two, subsection (7) of section eighteen, section twenty-five subject to the provisions of this Act, in paragraph (*e*) of subsection (1) of section forty-seven the words from "and (iii) for" to the end of the paragraph, and the Second Schedule.
11 & 12 Geo. 5, c. 1.	The Unemployment Insurance Act, 1921.	Sections one and three, section nine except subsection (5) thereof, the First Schedule, and so much of the Second Schedule as amends sections seventeen and eighteen and the Second Schedule of the principal Act.

THIRD SCHEDULE—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5, c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	The whole Act, except section four, sections nine to thirteen and sections fifteen and sixteen.
12 & 13 Geo. 5, c. 7.	The Unemployment Insurance Act, 1922.	Sections three, four, five, six, twelve and fifteen, and subsection (4) of section sixteen.
13 & 14 Geo. 5, c. 2.	The Unemployment Insurance Act, 1923.	Sections one, two, three, seven and ten.
14 Geo. 5, c. 1.	The Unemployment Insurance Act, 1924.	The whole Act.

UNEMPLOYMENT INSURANCE (No. 3) ACT, 1924. 14 Geo. 5, c. 6.

[15th April 1924.]

1. Section two of the Unemployment Insurance Act, 1923 (which prescribes the conditions for the receipt of benefit in the benefit year ending on the fifteenth day of October, nineteen hundred and twenty-four), shall be amended so as to empower the Minister of Labour to authorise the receipt of benefit during the said benefit year for periods not exceeding in the aggregate forty-one weeks, and proviso (1) to the said section shall accordingly have effect as though for the words "twenty-six weeks," in both places where they occur, there were substituted the words "forty-one weeks."

* * * * * *

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Regulations of the Ministry of Labour under the Unemployment Insurance Act, 1920.—Various Regulations were made during the year by the Minister of Labour under the Unemployment Insurance Act, 1920, dealing, however, with matters which are scarcely within the scope of this work. Particulars can be obtained of the Ministry.

III.—CASES.

Unemployment Insurance—Employed Persons—Relief Works—Excepted Employments—"Employment of a Casual Nature, Otherwise than for the Purposes of the Employer's Trade or Business"—Unemployment Insurance Act, 1920, *ss.* 1, 10, *Sched. I., Part II.* (*i*).]—T., who was formerly a fisherman, had subsequently become an agricultural labourer, and as such was not insurable under the Unemployment Insurance Act, 1920. T. was employed by the appellant council in relief work, consisting of repairing local roads, etc. Payment was made by the appellants at hourly rates out of the general district rate,

and moneys so expended were not reimbursed to the appellants by the guardians. The work was unremunerative to the council, who were assisted by a grant from the Unemployment Grants Committee :

HELD—that though the work was casual, it was for the purposes of the employers' trade or business within Schedule I., Part II. (i), and therefore T. was an insurable person under the Unemployment Insurance Act, 1920, and his employers were liable for insurance contributions on his behalf.

RE EAST AND WEST FLEGG R.D.C., [1924] W. N. 164 ; 157 L. T. Jo. 389 ; 88 J. P. Jo. 300—Roche, J.

IV.—DEPARTMENTAL DECISIONS.

Unemployment Insurance Act, 1920—*Certificates of Exception.*

The Minister of Labour pointed out to a borough council that the provisional certificate of exception granted under Part II. (*d*) of the First Schedule to the Unemployment Insurance Act, 1920 (as amended), in respect of persons employed in whole-time employment in a permanent capacity on the official staff, was valid only until the 29th June, 1924, and ceased to have effect after that date. The Minister was, however, prepared to consider the renewal of the certificate if application were made.

The Minister further stated that a renewal certificate would be valid for a period not exceeding five years, and that the council would be asked from time to time to furnish a statement, showing the number of persons employed by the council in the classes of employment covered by the certificate who had been identified as persons to whom the certificate related. The other conditions for the grant of a certificate were the same as those upon which the provisional certificate was granted. If application for renewal was not made by the council the employees to whom the provisional certificate related would cease to be excepted from Unemployment Insurance as from the 29th June, 1924, and contributions would become payable, subject to the general provisions of the Acts, as from that date.

JOINT BOARDS.

See "COMBINATION."

JURIES.

See also "CORONERS" and "MIDWIVES."

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of Sect. 7 * of the Juries Act, 1918, relating to inquests without a jury in certain cases.

* *See* "Local Government," 1917–1918, p. 578.

LAND: ACQUISITION, SALE, LETTING, ETC., OF.

See also "ALLOTMENTS"; "BURIALS"; "COMMONS."

I.—STATUTES.

LAW OF PROPERTY ACT (POSTPONEMENT) ACT, 1924.

15 Geo. 5, c. 4.

[18th December 1924.]

1. The first day of January, nineteen hundred and twenty-six, shall be substituted for the first day of January, nineteen hundred and twenty-five, as the date on which the Law of Property Act, 1922, is to come into operation.

* * * * * *

LAW OF PROPERTY (AMENDMENT) ACT, 1924.

15 Geo. 5, c. 5.

[18th December 1924.]

This is an Act to amend the Law of Property Act, 1922, and the enactments thereby affected, and to facilitate the consolidation of the law relating to conveyancing and property, settled land, trustees, the registration of pending actions, annuities, writs, orders, deeds of arrangement and land charges, the administration of estates, the registration of title to land and university and college estates.

The Act itself is short, but the eleven Schedules fill 133 pages of a K.P. copy. Local authorities are of course concerned in the alteration of the law on all these subjects, but the Act is too long for insertion or even detailed review in this work.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

ROYAL COMMISSION ON MINING SUBSIDENCE—RIGHTS OF LOCAL AUTHORITIES.

The Royal Commission on Mining Subsidence heard evidence during the year. On 30th April, 1924, Mr. A. M. Oliver gave evidence on behalf of the Association of Municipal Corporations, and said that the provisions of the Mining Codes so far as they applied to the purchase of mines and minerals for the support of pipes, sewers, etc., were very little used, because the cost of purchasing long stretches of coal or other mineral for the support of pipes or

sewers, unless they were of large size, far outweighed the cost of repair and other possible damages.

Mr. Oliver suggested that it was desirable that the law relating to support of land used for public undertakings should be made uniform and suitable to modern conditions. In any new code drawn up for the purpose of dealing with mining subsidence it might be provided that the landowner should give notice of his intention to work under the area of any local authority, while the local authority, on receipt of such a notice, should have the right to give a counter-notice requiring that the mineral or coal within the area or in part of it should not be worked. If such a notice was given the local authority should pay compensation in respect of the mineral left unworked. In the event of the local authority giving no counter-notice, the mine-owner should be allowed to work the mineral, paying compensation for any damage done. A special tribunal might also be appointed to determine claims for compensation for damage caused to public works.

IV.—DEPARTMENTAL DECISIONS.

Compulsory Acquisition—Sole object the Enhancement of Value of Lands already Held.

A local authority applied to the Ministry for a provisional order under Sect. 176 of the Public Health Act, 1875, to take certain lands compulsorily in connection with a street improvement scheme. The scheme had been already carried out but further lands were considered to be necessary to enhance the selling value of the surplus lands. The Department held that the statutory provisions were not applicable in such circumstances.

Letting of Fishing Rights.

A local authority who proposed to let fishing rights, were informed by the Department that as these were an incorporeal hereditament as defined in the Public Health Act, 1875, the transaction required their consent under Sect. 177 of the Act.

Friendly Arbitration.

A district council agreed with the owner of land required for street widening that the price should be settled by friendly arbitration, and being doubtful as to the precise procedure consulted the Ministry of Health. The reply was to the following effect:—

(1) The arbitrator should be an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and application should be made to the Land Values Reference Committee for an official arbitrator to be selected to hear the case.

(2) Notwithstanding that no compulsory order for the acquisition of the land had been made, the arbitration should be deemed to be an arbitration agreed on by the parties under Sect. 8 (1) of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the provisions of that Act with regard to the method of assessing compensation and otherwise should apply to the arbitration as though they were incorporated in, and formed part of, this agreement, and for the purpose of such arbitration the arbitrator should have all the powers conferred on an arbitrator by Sub-sect. (3) of that Sect.

(3) Possession should be given immediately the contract was signed.

LIBRARIES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

PUBLIC LIBRARIES INQUIRY.

It was announced in October that the President of the Board of Education has appointed a Departmental Committee to inquire into the adequacy of the library provision already made under the Public Libraries Acts, and the means of extending and completing such provision throughout England and Wales, regard being had to the relation of the libraries conducted under those Acts to other public libraries and to the general system of national education.

The secretary to the Committee is Mr. C. O. G. Douie, to whom all communications should be addressed, at the office of the Board of Education, Whitehall, S.W.1.

III.—CASES.

Public Library for Two Parishes —Parishes Subsequently Merged in Metropolitan Borough—Closing of Library — Use of Building for Administrative Purposes—Ultra Vires —*Injunction*—*Public Libraries Act*, 1892, *ss.* 11, 12—*London Government Act*, 1899, *s.* 4—*London* (*Adoptive Acts*) *Scheme*, 1900, *clauses* 2, 5—*City of Westminster* (*Adoptive Acts*), *Scheme*, 1902.]—Premises were erected for use as a public library by the Libraries Commissioners of a parish, and later by arrangement the premises were used as a joint public library for this parish and a neighbouring parish under the Public Libraries Act, 1892. These parishes became merged in a metropolitan borough under the London Government Act, 1899, and the powers, duties, property and liabilities of the Libraries Commissioners for the two parishes were transferred to the Borough Council by the London (Adoptive Acts) Scheme, 1900. The council subsequently adopted the Libraries Acts for their entire area, and under the City of Westminster (Adoptive Acts) Scheme, 1902, these Acts were directed to be administered by the council uniformly throughout their area as a single library district. At the outbreak of war the library was closed and the premises used for national purposes. The library had remained closed ever since, except that for a time, as the result of protests by ratepayers, one floor was opened as a reference library. In 1920 the council decided to incorporate the library premises with their city hall for use for administrative purposes, and up to the date of the writ in this action no alternative premises for the library had been procured, while the books of the library had been removed to other public libraries in the council's area. This action was brought by the A.-G. on the relation of the vicar and rector of the two parishes to prevent the proposed use of the library premises :

HELD—affirming the decision of Tomlin, J., [1924] 1 Ch. 437, that it was *ultra vires* for the council to use the library premises for purposes other than that of a public library, such user not being authorised by the Public Libraries Act, 1892, Sect. 12; and that an injunction ought to be granted to restrain the unauthorised user. Where the A.-G. has exercised his discretion by issuing his *fiat* for the prosecution of an action against a public body to restrain an unauthorised exercise of its powers, the court will not consider whether the action is one proper to be brought in the circumstances.

A.-G. *v.* WESTMINSTER CORPN., [1924] 2 Ch. 416; 93 L. J. Ch. 573; 131 L. T. 802; 88 J. P. 145; 40 L. T. R. 711; 68 Sol. Jo. 736; 22 L. G. R. 506—C. A.

LIGHT RAILWAYS.

See "TRAMWAYS."

LOANS.

See also "HOUSING."

I.—STATUTES.

LOCAL AUTHORITIES (EMERGENCY PROVISIONS) ACT, 1924.
14 & 15 Geo. 5, c. 29.

[1st August 1924.]

1. The provisions of the Local Authorities (Emergency Provisions) Act, 1923 (*a*), mentioned in the Schedule to this Act, shall have effect as if for references therein to "nineteen hundred and twenty-four" there were substituted references to "nineteen hundred and twenty-six."

* * * * * *

SCHEDULE.

PROVISIONS OF 13 & 14 GEO. 5, C. 6, CONTINUED.

* * * * * *

Section of Act.	Subject Matter.
Section 2 - - -	Substitution for "the first day of April, nineteen hundred and twenty-three," of the "first day of April, nineteen hundred and twenty-four," in the following provisions of the Local Authorities (Financial Provisions) Act, 1921 (*b*); that is to say:— (*a*) the proviso to subsection (3) of section three thereof (which enabled the Minister of Health in certain circumstances to extend the time within which sums borrowed under that section are to be repaid if borrowed before the first day of April first mentioned) (*c*);

(*a*) See "Local Government, 1923," p. 308.

(*b*) See "Local Government, 1921," p. 234.

(*c*) Section 3 of the Act of 1921 referred to enabled local authorities with the sanction of the Ministry of Health to contract temporary loans by way of overdraft or otherwise for the purpose of providing temporarily for their current expenses. The loan must be repaid with interest out of the revenue received in respect of the financial year, but a proviso enabled the Ministry of Health to extend the term for repayment to a maximum of ten years.

The Ministry do not permit this provision to be used for the borrowing of money for permanent works in lieu of other provisions, such as s. 233 of the Public Health Act, 1875.

Section of Act.	Subject Matter.
	(*b*) Subsection (1) of section six thereof (which provided that money borrowed by a local authority before the first-mentioned first day of April for certain purposes is not to be reckoned as part of the debt of the local authority for the purposes of any enactment limiting the powers of borrowing by that authority) (*d*) :
	(*c*) Subsection (2) of section six thereof (which suspended until the first-mentioned first day of April the operation of subsection (3) of section two hundred and thirty-four of the Public Health Act, 1875) (*e*).

TRADE FACILITIES ACT, 1924.
14 & 15 Geo. 5, c. 8.

[15th May 1924.]

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act, 1921, as amended by the Trade Facilities and Loans Guarantee Act, 1922, (Session 2), shall be increased from fifty million pounds to sixty-five million pounds.

(2) The power to give guarantees under the said section one may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and twenty-five.

2.—(1) If the Treasury are satisfied—

(*a*) that the proceeds of any loan to which this section applies are to be applied by way of capital expenditure on or in connection with a public utility undertaking in some part of His Majesty's Dominions in accordance with a scheme approved by the Government of that part of His Majesty's Dominions; and

(*b*) that the expenditure involved in the scheme is in anticipation of expenditure which would normally have been incurred at a later date; and

(*c*) that the application of the proceeds of the loan in the manner proposed is calculated to promote employment in the United Kingdom;

the Treasury may, subject to the provisions of this section, undertake to pay to the said Government an amount not exceeding three-quarters of any interest payable in the first five years of the currency of the loan in respect of such portion of the loan as is to be expended in the

(*d*) The limit in normal circumstances is twice the assessable value of the district. See s. 234 of the Public Health Act, 1875, under which most loans are raised by local authorities.

(*e*) This subsection requires the Ministry of Health to direct a local inquiry before sanctioning a loan when the debt of the district exceeds the assessable value.

United Kingdom, so, however, that the amount payable by the Treasury under this section shall not exceed one million pounds in any one year or five million pounds in all.

(2) The loans to which this section apply are loans to be raised in the United Kingdom either by the Government of any part of His Majesty's Dominions, or by a local authority in any part of His Majesty's Dominions or by any body of persons constituted for the purpose of carrying out a public utility undertaking.

(3) No undertaking shall be given by the Treasury under this section after the expiration of three years from the commencement of this Act or in respect of a loan to be raised thereafter.

(4) Such sums as may from time to time be required by the Treasury for fulfilling any undertaking given under this section shall be paid out of moneys provided by Parliament.

(5) The Treasury shall, as soon as may be after the expiration of each year during which undertakings may be given under this section, lay before both Houses of Parliament a statement of the amounts payable under the undertakings given under this section during that year, together with particulars of the purposes to which the loans were to be applied.

(6) In this section the expression "public utility undertaking" means an undertaking for providing or improving communications, drainage or irrigation, or for providing power, lighting or water, and references to any part of His Majesty's Dominions shall include references to any territory which is under His Majesty's protection.

3.—(1) The powers of the Board of Trade under the Overseas Trade Acts, 1920 to 1922, with respect to the giving of guarantees may be exercised in the case of new guarantees at any time up to and including the eighth day of September, nineteen hundred and twenty-six, and the period during which guarantees given under the said Acts (including renewed guarantees) may remain in force shall be extended so as to expire on the eighth day of September, nineteen hundred and thirty.

(2) In subsection (1) of section one of the Overseas Trade (Credits and Insurance) Amendment Act, 1921, the words from "(*a*) the powers" to "and (*b*)," and in subsection (2) of section two of the Trade Facilities Act, 1921, the words from "in proviso (*a*)" to "by the amending Act," and the words from "so long as" to the end of the subsection, are hereby repealed.

(3) The Overseas Trade Acts, 1920 to 1922, and this section may be cited together as the Overseas Trade Acts, 1920 to 1924.

* * * * * *

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Report of the Public Works Loan Board for 1923–1924.—This Report is dated 17th June, 1924. Copies are obtainable from usual sources, price 4*s.* net.

IV.—DEPARTMENTAL DECISIONS.

An Illegal Condition of Lending.

A local authority having undertaken, as part of the terms of a mortgage, that no further loans should be raised on the same security without the consent of the lenders, the Ministry of Health took the view that such a covenant was *ultra vires*.

Re-borrowing—When it does not require Formal Sanction.

The Ministry have stated that they have no objection to re-borrowings, provided they are limited to amounts properly outstanding and for a term within the period allowed by the original sanction. When required by the lender the Ministry are prepared to give formal sanction; otherwise sanction may be assumed in such circumstances.

No Time Limit for Discharge of Debt.

The Ministry informed a joint hospital board that, apart from any question which might arise as to the effect of the Statute of Limitations, they were unaware of any enactment which limited the time during which a debt might be lawfully discharged by a local authority.

LOCOMOTIVES AND MOTOR CARS.

See also "HACKNEY CARRIAGES"; "HIGHWAYS."

I.—STATUTES.

FINANCE ACT, 1924.

14 & 15 Geo. 5, c. 21.

* * * * * *

18.—(1) The holder of a licence taken out for a mechanically propelled vehicle (including a licence charged with duty under paragraph (*a*) of subsection (2) of section fifteen of the Finance Act, 1922, but not including a licence for a tramcar) may at any time surrender the licence to the council of the county or county borough with which the vehicle is for the time being registered, or in the case of a licence charged with duty under the said paragraph (*a*) to the council of the county or county borough by which the licence was granted, and shall, subject to the payment, in the case of a licence in respect of a vehicle chargeable with duty under paragraph 1 of the Second Schedule to the Finance Act, 1920, of a fee of five shillings, or, in the case of any other licence, of a fee of ten shillings, be entitled to be repaid by the council by way of rebate of the duty paid for the licence the following amount in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender:—

(*a*) in the case of a licence taken out for one quarter of the year only or for any less period, a sum equal to one-third of the duty chargeable on a quarterly licence for the vehicle;

(*b*) in the case of a licence of any other class, a sum equal to one-twelfth of the full annual duty chargeable on the licence.

(2) Where in pursuance of the proviso to subsection (2) of section fifteen of the Finance Act, 1922, a licence is taken out by a manufacturer, repairer or dealer for one quarter of the year only, the duty on the licence shall be twenty-seven and one-half per cent., instead of thirty per cent., of the full annual duty.

(3) No duty shall be payable under section thirteen of the Finance Act, 1920, as amended by any subsequent enactment, in respect of a mechanically-propelled vehicle used exclusively on roads which are not repairable at the public expense.

(4) For the purposes of this section the month of March shall be deemed to end on the twenty-fourth day of that month, and the month of April shall be deemed to begin on the twenty-fifth day of March, and in making repayments under this section or under paragraph 6 of the Second Schedule to the Finance Act, 1920, fractions of a penny shall be disregarded.

(5) This section shall come into operation on the first day of January, nineteen hundred and twenty-five.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

DEPARTMENTAL COMMITTEE ON THE TAXATION AND REGULATION OF ROAD VEHICLES: THIRD INTERIM REPORT.

This interesting Report was issued by the Ministry of Transport during the year, being dated 27th June. Copies may be obtained from usual sources price 2*s*. 6*d*. net.

The main report, signed by five out of the ten members of the committee, stated :—

> "We have again reluctantly come to the conclusion that no method of administering a motor spirit duty can be contrived which would not inflict grave inconvenience and additional expense upon considerable numbers of consumers of motor spirit—and of some kerosenes—used for purposes other than the propulsion of road vehicles, or which could be relied upon to yield a certain revenue at a reasonable cost."

Two members, while unable to agree with the conclusions and recommendations of the main report so far as they related to the incidence of taxation, agreed with it as regards a motor spirit duty.

Of the remaining three members, two reported in favour of a motor spirit tax, and one presented a separate memorandum.

S. R. AND O., 1924, No. 1245.

ROAD VEHICLES.

THE ROAD VEHICLES (PART YEAR LICENSING) ORDER, 1924, DATED 1ST NOVEMBER, 1924, MADE BY THE MINISTER OF TRANSPORT.

* * * * * *

1. This Order may be cited as the Road Vehicles (Part Year Licensing) Order, 1924.

2. In this Order :—

The expression " quarterly period " means any of the periods from the first day of January to the twenty-fourth day of March, from the twenty-fifth day of March to the thirtieth day of June, from the first day of July to the thirtieth day of September, or from the first day of October to the thirty-first day of December in any year.

The expression " cycles " means the vehicles chargeable with duty under paragraph 1 of the Second Schedule to the Finance Act, 1920 (10 & 11 Geo. 5, c. 18).

The expression " licences " does not include licences taken out by manufacturers or repairers of or dealers in mechanically-propelled vehicles under the provisions of Sect. 9 of the Roads Act, 1920 (10 & 11 Geo. 5, c. 72), and Sect. 15 of the Finance Act, 1922 (12 & 13 Geo. 5, c. 17).

The expression " month " means calendar month, except that the month of March shall be deemed to end on the 24th day of that month and the month of April shall be deemed to begin on the 25th day of March.

3. The mechanically-propelled vehicles to which this Order applies are mechanically-propelled vehicles chargeable with duty under the Finance Act, 1920, other than tramcars and vehicles on which a duty of five shillings is chargeable under that Act.

4. The periods of the year for which licences under the Finance Act, 1920 (10 & 11 Geo. 5, c. 18), in respect of mechanically-propelled vehicles to which this Order applies may be taken out shall be either the period of one calendar year, or any of such periods less than a year as are hereinafter specified and the duties payable in respect of licences for periods less than a year shall be at the rates hereinafter specified ; that is to say :—

(*a*) In the case of such mechanically-propelled vehicles other than cycles—

(i) A licence may be taken out for any period less than a year but greater than one quarterly period expiring on the 31st day of December in any year and the duty payable upon such licence shall be the total of an amount calculated at the rate of one-twelfth of the full annual rate of duty for each month or part of a month included in the period and a further amount calculated at the rate of five per cent. upon the amount so ascertained as aforesaid :

(ii) A licence may be taken out for any quarterly period on payment of twenty-seven and one-half per cent. of the full annual rate of duty ; and

(iii) A licence may be taken out for any period less than a quarterly period expiring on the last day of any quarterly period, and the duty payable on such licence shall if the licence be taken out for a greater period than two months be at the full quarterly rate of duty or if the licence is taken out for a period commencing on or after the first day of the second month of the quarterly period shall be two-thirds of the full quarterly rate of duty or if the licence is taken out for a period commencing on or after the first day of the third month of the quarterly period shall be one-third of the full quarterly rate of duty;

(*b*) In the case of cycles—

(i) A licence may be taken out for any quarterly period on payment of twenty-seven and one-half per cent. of the full annual rate of duty;

(ii) A licence may be taken out for a period including either two or three consecutive quarterly periods and expiring on the thirty-first day of December in any year and the duty payable shall if the licence is taken out for a period commencing on or after the twenty-fifth day of March but before the 1st day of July be three times the full quarterly rate of duty, or shall if the licence is taken out for a period commencing on or after the first day of July be twice the full quarterly rate of duty.

5. The Road Vehicles (Part Year Licensing) Order, 1921 (S. R. and O., 1921, No. 1843), is revoked as from the date upon which this Order shall come into operation.

6. This Order shall come into operation on the first day of January, 1925, and shall remain in force until rescinded or modified by the Minister of Transport.

S. R. AND O., 1924, No. 1462.

THE ROAD VEHICLES (REGISTRATION AND LICENSING) REGULATIONS, 1924, DATED 23RD DECEMBER, 1924, MADE BY THE MINISTER OF TRANSPORT.

* * * * * *

PART I.

Licensing and Registration of Mechanically Propelled Vehicles.

2. The owner of a mechanically propelled vehicle who desires to obtain a licence for such vehicle shall apply either to the council in whose area such vehicle will be ordinarily kept or, where the owner has not previously obtained or had transferred to him in accordance with Regulation 9 (2) hereof a licence in respect of the vehicle, to the council in whose area such vehicle shall be at the time of the application, by means of a declaration in the prescribed form.

Provided that if such vehicle is thereafter to be ordinarily kept in the area of another council, the council issuing the licence shall transfer the registration book to be issued in respect of the vehicle under these Regulations direct together with the declaration and

other registration papers (if any) to the other council, and the vehicle shall, thereafter, be registered in the register of that council and the registration book shall be forwarded by that council to the holder of the licence.

3. A vehicle shall be deemed to be ordinarily kept in the area of the council in whose area is situated the garage or other place in which the vehicle is ordinarily kept.

Provided that where the owner satisfies the council of the area in which he declares his principal place of business or usual place of abode to be situated that a vehicle is not ordinarily kept in any one area, application for a licence may be made to that council and a licence issued by them.

4.—(1) Licences for mechanically propelled vehicles shall be in the form set out in the First Part of the Second Schedule hereto.

(2) In the case of all mechanically propelled vehicles (except tramcars) the licence shall be attached to and carried on the vehicle at all times when the vehicle is in use on a public road and, subject as herein provided, in a holder in compliance with the specification set out in the Second Part of the Second Schedule hereto.

(3) The licence shall be carried on the vehicle :—

(a) *In the case of motor cycles* (*including motor scooters*), *motor cycles with trailer, tricycles and invalid carriages* :—

In a conspicuous position on the near side of the vehicle in front of the driving seat ;

(b) *In the case of motor cycles with sidecar* :—

On the near side of the handle-bar of the cycle or the near side of the combination in front of the driving seat ; and

(c) *In the case of all other vehicles* (*except when placed on or adjacent to the wind screen as hereinafter provided*) :—

On the near side of the vehicle facing toward the near side of the road and not less than 2 feet 6 inches nor more than 6 feet 6 inches from the ground level between two parallel lines, the first drawn vertically through the rearmost part of the driving seat or cab (or where no such fitting exists the foot plate), and the second drawn vertically 6 inches in front of the base of the front glass wind screen where fitted, or where no such wind screen is fitted, through a point 4 feet forward of the first line.

Provided that in the case of a vehicle fitted with a front glass wind screen extending across the vehicle to the near side, the licence may be carried facing forwards on the near (left) lower corner of the glass of such wind screen, or within 2 inches of the glass either in front or behind it and so as to be clearly visible from in front at all times by daylight whether such vehicle is moving or stationary. In the event of the licence being carried actually upon a glass portion of the vehicle, and otherwise complying with this Regulation, the obligation that it shall be carried in a metal holder with a transparent glass cover shall not be enforced if it is carried in a weatherproof licence container.

The licence shall be placed and carried (except when placed on or adjacent to the wind screen as hereinbefore provided) so as to be clearly visible at all times by daylight to a person standing

at the near side of the vehicle, whether such vehicle is moving or stationary.

5. No person shall (either by writing, drawing or in any other manner) alter, deface, mutilate or add anything to any licence for any mechanically propelled vehicle nor shall any person exhibit upon any mechanically propelled vehicle any licence which has been altered, defaced, mutilated or added to as aforesaid or upon which the figures or particulars have become illegible or the colour has become altered by fading or otherwise, nor shall any person exhibit any colourable imitation of any licence.

6.—(1) A registration book containing such particulars relative to the vehicle in respect of which it is issued as the Minister of Transport may from time to time direct shall be issued to every owner of a mechanically propelled vehicle (other than a tramcar) in respect of which a licence is issued except in those cases where the form of declaration appropriate to over six vehicles of uniform type in the same ownership (Form R.F. 4A or 8A) has been used. In cases where Form R.F. 4A or 8A has been used the owner shall before selling or otherwise disposing of a vehicle included in such declaration, apply to the council by whom the vehicle is registered for a registration book in respect of such vehicle and upon receipt of such application the council shall issue such registration book.

(2) The registration book shall be produced for inspection by the owner at any reasonable time upon request of a police officer or local taxation officer.

(3) No person shall deface or mutilate any registration book or alter or obliterate any entry made therein or (except as provided by these Regulations) make any entry in or addition to such registration book.

7. If any alteration (other than an alteration of the nature referred to in Regulation 8 hereof) shall be made in a vehicle after it has been licensed and registered which affects the registration particulars contained in the last declaration made in respect of the vehicle, the owner shall forthwith, in writing, notify such alteration to the council with whom such vehicle is registered and at the same time deliver up to that council his registration book for amendment :

Provided that where such alteration renders inaccurate any of the particulars shown upon the licence for the vehicle, he shall also at the same time deliver up the licence for the vehicle to the council, who shall forthwith issue without charge an amended licence showing the particulars so notified.

8. If the character or the use of a vehicle shall be altered so as to render payable under Sect. 14 of the Finance Act, 1922, duty at a higher rate than that at which duty has been paid, the owner shall deliver to the council a new declaration appropriate to the altered conditions together with the licence and the registration book and shall pay the difference between the amount of the duty which would at the rate of duty appropriate to the vehicle before the alteration in character or use be payable on a new licence for the period commencing at the date when the higher rate of duty became applicable and expiring at the end of the period for which the licence was originally issued, and the amount of the duty which would be payable on a new licence for the like period at the rate of duty appropriate to the vehicle as altered in character or use and the council shall, subject to the proviso to Regulation 14 of these Regula-

tions, issue to him an amended licence and return the registration book.

9.—(1) On the sale or other change of ownership of a vehicle the then owner of the vehicle shall deliver the registration book to the transferee or other new owner and forthwith notify in writing the change of ownership to the council whose name appears in the registration book as the last registration authority stating the index mark and registration number, the make and class of vehicle and the name and address of the person to whom the vehicle has been transferred.

(2) The transferee or other new owner of the vehicle shall if he does not intend to use the vehicle (otherwise than under a General Trade Licence or a Limited Trade Licence) forthwith notify in writing such change of ownership to the council referred to in paragraph (1) of this regulation stating the index mark and registration number, the make and class of vehicle and the name and address of the person from whom such vehicle has been transferred, but if he intends to use the vehicle (otherwise than under a General Trade Licence or Limited Trade Licence) upon any roads repairable at the public expense he shall before so using the vehicle insert his name and address in the appropriate part of the registration book and deliver it to such council and unless the current licence has been delivered to him by the then owner, which delivery if the provisions of this regulation are otherwise complied with shall operate as a transfer of the said licence, shall obtain a licence in respect of the vehicle in accordance with these Regulations. The council shall in due course return the registration book to the transferee or other new owner unless the vehicle is ordinarily to be kept in the area of another council in which case the council receiving the registration book as aforesaid shall transfer the registration book direct together with the declaration and other registration papers (if any) to the other council and the vehicle shall, thereafter, be registered in the register of that council and the registration book shall be forwarded by that council to the transferee or other new owner. Upon expiry of the current licence (if so transferred) the transferee or other new owner shall, if he intends to renew the licence, make application therefor under the provisions of Regulation 2 hereof.

10. In the case of any vehicle in respect of which duty is calculated on the basis of horse-power and of which the engine was constructed before the first day of January, 1913, the owner of such vehicle may apply to the council with whom the vehicle is registered, and upon showing to the satisfaction of the council that such engine was in fact constructed before that date shall be entitled to a refund of one-fourth of the duty paid in respect of such vehicle.

11. On a change of address the owner shall enter particulars of his new address in the space provided in the registration book, and shall forthwith deliver up the book with such particulars entered in it to the council by whom the vehicle is registered, who shall note the change of address and cause the book to be returned to the owner forthwith.

12. When any vehicle shall be broken up, destroyed or sent permanently out of Great Britain, the owner shall notify the council with whom such vehicle is registered, and shall at the same time deliver the registration book to such council.

13.—(1) If a licence granted or a registration book issued by a

council under these Regulations has been lost, destroyed or accidentally defaced or the figures and particulars thereon have become illegible or the colour thereof has become altered by fading or otherwise the owner of the vehicle shall apply to the council with whom the vehicle is registered for the grant or issue to him of a duplicate licence or registration book, as the case may be, and the council upon being satisfied as to such loss, destruction, defacement, illegibility or alteration as aforesaid and, where the licence or registration book has been accidentally defaced or the figures and particulars thereon have become illegible or the colour thereof has become altered by fading or otherwise, upon the receipt of the licence or registration book shall issue a duplicate so marked on payment of a fee of five shillings, and the duplicate so issued shall have the same effect as the original licence or registration book: Provided that where the council is satisfied that the figures or particulars have become illegible or the colour of the licence has become altered by fading or otherwise without any act or neglect on the part of the holder of the licence they shall issue a duplicate so marked, free of charge.

(2) In the case of the loss of any licence or registration book, if at any time after the grant or issue of a duplicate licence or registration book the original licence or registration book shall be found then the owner of the vehicle shall take all reasonable steps to obtain possession of such original and shall return it to the council who granted or issued the duplicate thereof.

14. Upon the receipt by a council of a declaration and upon payment by the applicant of the amount of duty appropriate to the vehicle the council to whom such application is made shall :—

(i) If they are satisfied that the vehicle in respect of which the application is made is ordinarily kept within their area or is one in respect of which they are otherwise authorised to issue a licence, issue to the applicant a licence in such form as may be appropriate to the type or class of vehicle in respect of which the application is made ;

(ii) Enter upon such licence before issue thereof :—

(*a*) the index mark and registration number of the vehicle ;

(*b*) the horse-power, maximum seating capacity, or weight unladen (as the case may require) in respect of which duty has been paid provided that where duty has been paid with reference to seating capacity or weight unladen at the maximum rate the letters M A X shall be inserted;

(*c*) the class, make and colour of the vehicle ;

(*d*) the annual or quarterly rate of duty according to the form of licence issued ; and

(*e*) a stamp or other sufficient mark indicating the name of the authority by whom the licence is issued, and the date when the duty was paid ;

(iii) Prepare and issue to such applicant or forward to another council as these Regulations may require the registration book with the appropriate particulars entered thereon ;

and shall either retain the declaration made by the owner of the vehicle or forward it to another council as these Regulations may require :

Provided that a council shall not be required to issue any licence unless they are satisfied that the licence is the appropriate licence for the vehicle specified in the declaration.

15.—(1) The index mark and registration number which is declared to have been the index mark and registration number of any vehicle at the 31st day of December, 1920, shall thereafter attach to that vehicle until the same is broken up, destroyed or sent permanently out of Great Britain :

Provided that if a council is not satisfied that such index mark and registration number were at the 31st day of December, 1920, registered in respect of that vehicle under Article III. or Article IV. of the Motor Car (Registration and Licensing) Order, 1903, or under Article III. or Article IV. of the Motor Car Registration and Licensing (Scotland) Order, 1903, or under Article III. or Article IV. of the Motor Car (Registration and Licensing) (Ireland) Order, 1903, as the case may be, they shall assign a new index mark and registration number and the licence and registration book, if any, already issued in respect of the vehicle shall be delivered up to the council who shall issue an amended licence and registration book containing the new index mark and registration number.

(2) The index mark and registration number of a vehicle in respect of which an International Travelling Pass has been issued shall during the currency of such pass, if the owner does not intend to apply for an International Circulation Permit, be the identification mark allotted to the vehicle by the country which issued the pass. The council which issues any licence in respect of any such vehicle shall notify to the Commissioner of Police of the Metropolis the identification mark of the vehicle, particulars of the International Travelling Pass and the name and address of the person to whom the licence has been issued.

(3) In the case of any other vehicle the council shall assign to the vehicle an index mark and a registration number according to the index mark allotted under these Regulations to the council, which shall thereafter attach to that vehicle until the same is broken up, destroyed or sent permanently out of Great Britain.

16. The council may before they issue the registration book to the owner of a vehicle licensed by them require to be satisfied by the inspection of the vehicle or the production of other sufficient evidence that the vehicle in respect of which such book is to be issued in fact accords with the declaration.

17. The council may at any time, either before or after the issue of a licence, require the owner of a vehicle in respect of which duty is or may be payable upon the basis of weight unladen to furnish a certificate of weight in the prescribed form, and may if they think fit, by not less than seven days' notice in writing, require the owner to produce the vehicle at a specified time at a specified weigh-bridge, and the owner shall cause the vehicle to be weighed at that time and place in the presence of an officer of the council.

18. Upon or not more than 14 days before the expiry of a licence application for renewal may be made in the prescribed form in the case of any vehicle the ownership of which has not changed during the currency of the licence and in which no alterations have been made other than such as may have been notified to the council in conformity with the requirements of these Regulations, either to the council with whom such vehicle is registered or at any post office authorised for that purpose by the Postmaster-General within the area of that council, but renewal of the licence under this regulation

shall not be made at a post office after the expiration of 14 days from the date on which the licence expired.

19. Where from any cause a licence becomes void otherwise than by effluxion of time, it shall forthwith be delivered up to the council with whom the vehicle was last registered, but if the licence is renewed at a post office the expired licence shall be delivered up to the post office at the time of renewal.

20. Every council shall establish and keep in such form as the Minister of Transport may direct a record (in these Regulations referred to as "the Register") of the registration of mechanically propelled vehicles.

21. The index mark allotted to each council shall be the letter or letters shown opposite to the name of that council in the Third Schedule hereto.

22. The identification mark to be carried by a vehicle shall consist of the index mark and registration number assigned to that vehicle and shall be exhibited on a flat rectangular plate or on a flat unbroken rectangular surface forming part of the vehicle. In each case the identification mark shall conform as to lettering, numbering, and otherwise, with the provisions set out in the Fourth Schedule hereto: Provided that the alternative of exhibiting the identification mark on surfaces forming part of the vehicle shall not apply in the case of a motor tricycle or motor bicycle of a weight unladen not exceeding three hundredweights.

23.—(1) The identification mark shall be exhibited on the front of, and on the back of, the vehicle, in a vertical position, so that every letter or figure of the identification mark is vertical and easily distinguishable, in the case of the letters and figures placed on the front of the vehicle, from in front of the vehicle, and, in the case of the letters and figures placed on the back of the vehicle, from behind the vehicle.

(2) In the case of a motor tricycle or motor bicycle of a weight unladen not exceeding three hundredweights the plate fixed on the front of the cycle may, if it is a plate having duplicate faces conforming with the Fourth Schedule hereto, be fixed so that from whichever side the cycle is viewed the letters or figures on one or other face of the plate are easily distinguishable, though they may not be distinguishable from the front of the cycle.

(3) No other figures or letters, and no design or ornamentation shall be placed near to the identification mark in such a manner as to be liable to render it more difficult to read or distinguish the identification mark of the vehicle when in motion.

24. When one or more vehicles of any kind are attached to a mechanically propelled vehicle either in front or behind, the identification mark required to be exhibited on the front or on the back of the mechanically propelled vehicle, or a duplicate of such identification mark shall be exhibited on the front or on the back of the foremost or rearmost vehicle attached, as the case requires, in the same manner as the identification mark is required to be fixed upon the vehicle drawing or propelling the same.

25. A council with whom a vehicle is registered may, if they think fit, supply to the owner of the vehicle, if he so desires, plates bearing the identification mark assigned to the vehicle, and may make a charge for them.

26.—(1) Whenever during the period between half an hour

after sunset and half an hour before sunrise a vehicle is upon a public road, a lamp shall be kept burning on the vehicle, so contrived as to illuminate by means of reflection, transparency, or otherwise, and render easily distinguishable every letter and figure of the identification mark exhibited on the back of the vehicle or on the rearmost vehicle attached to the back of the vehicle, as the case may be.

(2) In the application of this regulation to a motor tricycle or a motor bicycle of a weight unladen not exceeding three hundredweights, the plate fixed on the front of the vehicle may, if desired, be substituted for the plate fixed on the back of the vehicle.

27. A council shall supply free of charge to any other council or any superior officer of police or constable authorised by such an officer, upon application made, the registered name and address of the owner of any vehicle registered by them together with a copy of the particulars registered as those which are shown upon the last licence issued in respect of that vehicle, and the council shall also upon payment of a charge of one shilling supply the like information to any person who may show to the satisfaction of the council, that he has a reasonable cause for requiring the same to be supplied to him.

28.—(1) The holder of a licence who intends to surrender such licence and claim a refund of duty in accordance with the provisions of Sect. 18 of the Finance Act, 1924, shall make application to the council whose name appears in the registration book as the last registration authority, and at the same time shall deliver up his licence to the council and where the licence is a General Trade Licence return any plates issued to him in connection with that licence. Every such application shall be made upon the prescribed form, unless the council shall in any case in which they think fit so to do, accept and act upon an application in writing signed by the holder of the licence notwithstanding that it is not made upon a prescribed form.

(2) Where a council is satisfied that a vehicle in respect of which a licence has been taken out has not been used upon any road repairable at the public expense at any time during the currency of the licence or that a General Trade Licence or Limited Trade Licence under Part II. of these Regulations for which duty has been paid has not, in fact, been used at any time during its currency, the holder of the licence or General Trade Licence or Limited Trade Licence (as the case may be) shall upon surrender of such licence and the return of any licence, plates or book issued to him in connection with a General Trade Licence or Limited Trade Licence be entitled to a refund of the duty paid. Any such surrender may be made and duty refunded notwithstanding that the period for which the Licence, General Trade Licence or Limited Trade Licence (as the case may be) was issued has not at the time of the surrender expired.

PART II.

General Trade Licences.

29. The following set of Regulations shall apply to General Trade Licences, that is to say :—

Article A.—A person being a manufacturer or repairer of

or a dealer in mechanically propelled vehicles who desires pursuant to the Roads Act, 1920, as amended by Sect. 15 of the Finance Act, 1922, to obtain a General Trade Licence in respect of :—

(*a*) all vehicles used by him, or

(*b*) all vehicles used by him of the classes liable to duty under paragraphs 1 and 2 of the Second Schedule to the Finance Act, 1920,

shall apply to the council in whose area his business premises are situate by means of a declaration in the prescribed form.

Article B.—(1) The council on being satisfied that the applicant is *bonâ fide* a manufacturer, dealer in or repairer of mechanically propelled vehicles may issue to him the appropriate licence in accordance with the application. Every such licence shall contain :—

1. Name and address of person to whom the licence is issued.
2. Number of identification plate allotted.
3. Date of expiry of licence.
4. Amount of duty paid.
5. Date stamp of office of issue.
6. Serial number of licence.

(2) The council shall supply free of charge with each General Trade Licence, one plate (with a holder for the licence) for fixing in front and one plate for fixing at the back of a vehicle provided that where application is made and duty paid in respect of a licence for all vehicles the applicant upon application made to the council in the prescribed manner and upon satisfying the council that such licence plates are properly required by him shall also be entitled without further payment to licence plates appropriate for the classes of vehicles liable to duty under paragraphs 1 and 2 of the Second Schedule to the Finance Act, 1920.

(3) The plates and licence holder to be supplied by the council shall conform to such specifications as the Minister of Transport may from time to time direct and shall not be altered in any way after they have been so supplied. They shall remain the property of the council and be returned forthwith to the council whenever the licence in respect of which they were issued is not renewed.

(4) The plates shall be fixed in front and at the back of the vehicle upon which they may be in use in the manner prescribed by these Regulations, with respect to the index mark and registration number assigned to vehicles under these Regulations and shall be carried at all times when the vehicle is in use on a public road under a General Trade Licence.

The licence without any alteration thereof or addition thereto shall be carried, properly fixed in the holder attached to the front plate so as to be clearly visible at all times by daylight from in front of the vehicle, at all times when a vehicle is in use on a public road under that licence.

Article C.—A General Trade Licence shall not be used by any person other than the person to whom the same is issued and the person to whom the same is issued shall not allow or suffer the licence or the plates issued in connection therewith to be used by any other person but no offence under this

article shall be deemed to have been committed if the person to whom the licence is issued or a person *bonâ fide* in his employ and acting under his authority is present and in charge of the vehicle or if such vehicle is constructed for use by one person only and is being used by a prospective purchaser for the purpose of test or trial.

Article D.—(1) A General Trade Licence shall not be used upon any vehicle other than a vehicle which is in the possession of the holder of such licence in the course of his business as a manufacturer or repairer of or dealer in mechanically propelled vehicles.

(2) A General Trade Licence shall not at any time be used upon a vehicle which is being used for the conveyance of passengers for profit or reward.

(3) No vehicle shall be used upon a public road under a General Trade Licence for any purpose other than a purpose for which such vehicle is authorised by this article to be used under such licence.

(4) Subject to the provisions of paragraphs (1) and (2) of this article a vehicle may be used upon a public road under a General Trade Licence for any purpose connected with the business as a manufacturer or repairer of or dealer in mechanically propelled vehicles of the holder of such licence and so long as such vehicle is *bonâ fide* being used for such purpose the holder of the licence shall not by reason only that some other or further use is being made of the vehicle be deemed to commit a breach of these Regulations.

Article E.—It shall not be necessary for a vehicle upon which the plates issued under these Regulations and a General Trade Licence are being properly carried used and displayed to carry any other identification mark or licence in respect of the vehicle.

Limited Trade Licences.

30. The following set of regulations shall apply to Limited Trade Licences, that is to say :—

Article A.—The provision of Articles A, B, C, D (except paragraphs (3) and (4) thereof) and E of the set of regulations applicable to General Trade Licences shall apply to Limited Trade Licences as if they were herein repeated with the substitution of the words " Limited Trade Licence " for the words " General Trade Licence " wherever they occur.

Article B.—(1) Subject to the observance and fulfilment of the provisoes hereinafter contained the holder of a Limited Trade Licence may use any vehicle for which such licence is appropriate on a public road under that licence for any one or more of the following purposes :—

(i) For test or trial in the ordinary course of construction or repair or immediately after completion in either such case.

(ii) For proceeding to or from a public weighbridge for ascertaining its unladen weight or to or from any place for its registration or inspection by a council.

(iii) For test or trial for the benefit of a prospective purchaser; for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial; or for returning after such test or trial.

(iv) For delivering the vehicle to the place where the purchaser intends to keep it.

(v) For delivering a vehicle from his premises to the premises of another manufacturer or repairer of or dealer in mechanically propelled vehicles or removing a vehicle from the premises of another manufacturer or repairer of or dealer in mechanically propelled vehicles direct to his own premises.

(vi) For proceeding to or returning from a workshop in which a body is to be or has been fitted to the vehicle or the vehicle is to be or has been painted or repaired.

(vii) For towing a vehicle which, while being driven upon a public road, has become unable to proceed under its own power, from the place where it has broken down to a place for repair or storage.

(viii) For proceeding from the premises of a manufacturer, or repairer of or dealer in mechanically propelled vehicles to a railway station or wharf for entraining or shipment or from a train or ship to the premises of such manufacturer, repairer, or dealer.

(ix) For proceeding to or returning from any garage auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which the vehicle is to be or has been stored or is to be or has been offered for sale as the case may be.

Provided that—

(*a*) Not more than two persons in addition to the driver shall be carried upon a vehicle which is being used upon any public road under a Limited Trade Licence, each such person being either an employee of the holder of the licence necessary for the purpose for which such vehicle is being used or a prospective purchaser for whom a test is being made or a person nominated by him, but no person in addition to the driver shall be carried in any vehicle which is being used upon a public road under a Limited Trade Licence on Sundays Bank Holidays Christmas Day Good Friday or other public holidays. In the case of steam vehicles where on the grounds of public safety it is proper and expedient that there shall be two drivers simultaneously engaged in controlling the mechanism of the vehicle this proviso shall be read as if the words "two drivers" were inserted instead of the word "driver" wherever it occurs.

(*b*) No vehicle which is being used upon a public road under a Limited Trade Licence shall carry or convey any goods or load whatsoever except such load as it may be necessary to carry for the purpose of testing the vehicle. Any such load shall consist solely of some ordinary form of ballast such as sand gravel scrap iron or the like and no purpose other than that of testing

the vehicle shall be served by such conveyance. In particular no such vehicle shall be used for the conveyance of goods in the course of trade or for the delivery or removal of goods but any such load as aforesaid shall be brought back to its place of loading without, except in the case of accident, any part thereof having been removed from the vehicle and without such load having at any time since it was loaded on the vehicle been used or conveyed otherwise than as ballast for the purpose of testing the vehicle.

(*c*) No vehicle shall be used upon a public road under a Limited Trade Licence unless the duplicate entries from the book referred to in Article C hereof properly completed are carried along with such vehicle while so in use.

(2) No vehicle shall be used upon a public road under a Limited Trade Licence for any purpose other than a purpose for which the vehicle is authorised by paragraph (1) of this article to be used under such licence.

Article C.—(1) Upon the issue of a Limited Trade Licence the council shall also supply to the person to whom such licence is issued a book in a form approved by the Minister of Transport in which the holder of such licence shall on each occasion and before such licence is used complete in duplicate the entries for which provision is therein made. One copy of such entries shall remain in the book and the other copy shall be carried with the vehicle during the whole of the journey to which such entries relate, and shall be produced at any time during such journey by the driver for inspection upon demand made by any police or local taxation officer.

(2) Such books shall be produced at all reasonable times for inspection by any police or local taxation officer and shall be kept available for inspection at the place specified in the declaration made on application for the Limited Trade Licence as the place at which the book will be kept.

(3) No person shall deface or mutilate any book issued under this article or make any entry therein which is to his knowledge false or misleading or alter or obliterate any entry made therein or except as provided by these Regulations make any entry therein or addition thereto, or after its removal from such book make alter or obliterate any entry in any copy to be carried on the vehicle under paragraph (1) of this article.

PART III.

Mechanically propelled Hackney Vehicles.

31. Any vehicle (other than a tramcar) licensed under the provisions of paragraph 3 of the Second Schedule of the Finance Act, 1920, in respect of which the rate of duty paid is less than the rate of duty which would have been payable had the vehicle been licensed under paragraph 6 of the said Schedule, shall display in addition to the index mark and registration number of the vehicle a mark of the dimensions and form set out in the fifth Schedule hereto in the position prescribed in that Schedule unless such vehicle is

licensed to ply for hire and carries in a conspicuous position on the outside of the vehicle a mark in the form prescribed by the authority by whom it is licensed to ply for hire indicating clearly that the vehicle is a hackney vehicle so licensed.

Provided that where such a vehicle is temporarily adapted for and used solely for the conveyance of goods in the course of trade it shall not be necessary for the mark prescribed by this regulation to be so displayed at any time when such vehicle is so adapted and being so used.

PART IV.

Mechanically propelled Vehicles exempt from Licence Duty.

32. The provisions of these Regulations shall extend to mechanically propelled vehicles exempt from duty on licence with the following modifications :—

(i) *Vehicles the property of the Crown.*

A declaration in the prescribed form shall be made in respect of each such vehicle by a duly authorised officer of the department in whose possession or use such vehicle may be and shall be accompanied by a certificate in the approved form signed by that officer.

Upon receipt by a council of such declaration and certificate, the council shall issue to the officer by whom the certificate is signed a licence with the word NIL marked in the space provided for indicating the amount of duty payable but otherwise completed in accordance with these Regulations.

For the purposes of these Regulations the officer authorised as aforesaid shall be deemed to be the owner of the vehicle in the possession or use of the Government Department.

(ii) *Vehicles exempt from Licence Duty under Finance Act, 1924, Sect.* 18 (3).

A declaration shall be made in respect of every vehicle which is exempt from licence duty by virtue of Sect. 18 (3) of the Finance Act, 1924, in the same manner as if the owner thereof were applying for a licence in respect of such vehicle.

No licence shall be issued by the council in respect of the vehicle but the council shall issue a registration book to the owner in accordance with these Regulations.

(iii) *Other exempt Vehicles.*

The owner of any motor ambulance or motor fire engine or other fire appliance or of a vehicle which is kept for use exclusively for purposes in connection with the extinction of fire, or of any road roller, shall apply to the council for a licence for and registration of that vehicle, and upon receipt of such application the council shall issue a form of licence for such vehicle with the word NIL marked in the space provided for indicating the amount of duty paid, but otherwise completed in accordance with these Regulations.

The application under this regulation shall in the case of a local

authority be made in the prescribed form by the clerk to that authority, and in the case of an institution by the secretary or chief administrative officer of that institution.

PART V.

Licensing of Carriages other than mechanically propelled vehicles.

33. A declaration in the prescribed form shall be made in respect of every carriage other than a mechanically propelled vehicle not entitled to exemption from licence duty. Upon receipt of such declaration the council to whom such application is made shall upon payment of the appropriate duty issue to the applicant a licence in the approved form. Provided that at the option of the owner the application for a licence under this part of these Regulations may be made to any post office authorised by the Postmaster-General to issue licences for carriages either personally or by post addressed in accordance with the conditions specified upon the prescribed form.

PART VI.

Locomotives.

34.—(1) In this part of these Regulations—

"Locomotive" has the same meaning as in the Highways and Locomotives (Amendment) Act, 1878.

(2) (i) Except as hereinafter provided the weight of a locomotive exclusive of the weight of water fuel or accumulators (other than boilers) used for the purpose of propulsion shall not exceed 15 tons 10 cwts.—provided that the said weight of 15 tons 10 cwts. may be exceeded in the cases and to the extent following, that is to say :—

(*a*) In the case of locomotives carrying as a permanent fitting a jib crane dynamo or extra winding drum or any one or more of such fittings by not more than 1 ton 10 cwts.

(*b*) In the case of locomotives fitted on all wheels with tyres which are pneumatic or which are made of a soft or elastic material by not more than 2 tons.

(*c*) In the case of locomotives fitted with Boulton wheels or other wheels from time to time approved by the Minister of Transport the tyres of which are sprung or mechanically cushioned by not more than 3 tons.

(ii) In the case of cable ploughing engines the winding or windlass gear shall not be included in computing the weight.

(iii) The weight of water fuel and accumulators (other than boilers) of any locomotive shall not exceed 3 tons.

(iv) Not more than three-fourths of the weight of any locomotive including the weight of water fuel and accumulators shall be borne by the rear axle.

PART VII.

Miscellaneous.

35. In the Heavy Motor Car Order, 1904, and the Heavy Motor Car (Scotland) Order, 1905, as amended in each case by subsequent Orders, the expression "registering authority" shall be deemed

to mean the council by whom the heavy motor car has been or can be registered in pursuance of the Roads Act, 1920, and these Regulations and the expression "registered axle-weight" shall be deemed to mean the axle-weight as registered by a council in pursuance of these Regulations.

36. The several Statutory Rules and Orders set out in the Sixth Schedule hereto are hereby revoked or varied to the extent stated in that Schedule.

37.—(1) For the purposes of the Finance Act, 1920, the horse-power of any mechanically propelled vehicle deriving its motive power wholly from an internal combustion engine worked by a cylinder or cylinders shall be taken to be :—

(*a*) In the case of a single-cylinder engine, the horse-power attributable to the cylinder of the engine ;

(*b*) In the case of an engine having two or more cylinders, the sum of the horse-powers attributable to the separate cylinders.

(2) The horse-power attributable to any cylinder of an internal-combustion engine shall be deemed to be equal to the square of the internal diameter of such cylinder measured in inches divided by a numeral :—

(*a*) In the case of a cylinder having a single piston, the numeral used as divisor shall be 2·5 ;

(*b*) In the case of a cylinder having two pistons, the numeral used as divisor shall be 1·6.

(3) The horse-power of any mechanically propelled vehicle deriving its power wholly from a steam engine shall be taken to be proportional to the effective heating surface of the boiler supplying steam to such engine, at the rate of 1 horse-power for every 3 square feet in such effective heating surface, and the effective heating surface shall be taken to be :—

(*a*) In the case of a boiler having horizontal or approximately horizontal tubes, the whole of that surface of the tubes which is exposed to the flame or hot gases ;

(*b*) In the case of a boiler having vertical or approximately vertical tubes, half of that surface of the tubes which is exposed to the flame or hot gases.

(4) Any mechanically propelled vehicle deriving its motive power from an electric motor or motors shall be deemed to be of 6 horse-power.

(5) In measuring cylinders and boilers, and in calculating horse-power, fractions of inches and feet and fractions of a unit of horse-power are to be taken into account. Provided that in the final calculation of horse-power a resultant fraction of less than ·1 of a unit of horse-power shall be omitted.

(6) Where it appears that, in consequence of the exceptional design or construction of the engine of any mechanically propelled vehicle, the horse-power as calculated under this regulation is substantially less than the average power which the engine would develop in continuous use on the road if there were no restrictions on speed other than those imposed by the vehicle itself, then such average power shall be taken as the power of the vehicle.

38.—(1) Applications by a council under Sect. 7 (4) of the Roads Act, 1920, that the driving of vehicles on any highway may be

prohibited or restricted shall be in the approved form and shall be signed by the clerk to the council, and shall show that the application is made in pursuance of a resolution passed by the council or by a committee of the council charged with the supervision and control of highways and the traffic thereon.

(2) The notice to be given under Sect. 7 (4) of the Roads Act, 1920, that an Order has been made under that section shall be given by the authority concerned by a notice in the approved form published in the London or Edinburgh Gazette as the case requires and once at least in each of two consecutive weeks in some local newspaper circulating in the district in which the highway to which the Order relates is situate, and by such notice or warning boards or signs erected in such positions on or near the said highway and in such other manner as may be directed by the Order.

(3) No person shall drive or cause to be driven any mechanically propelled vehicle upon any highway with respect to which an Order has been made under Sect. 7 (4) of the Roads Act, 1920, in contravention of such Order.

39. The clerk of the council and any other officer authorised by the council are respectively empowered to perform any duty or exercise any power of the council for the purpose of carrying these Regulations into effect.

40. These Regulations shall not apply to Northern Ireland.

41. These Regulations shall come into force on the 1st day of January, 1925.

SCHEDULES.

* * * * * *

III.—CASES.

Dangerous Nuisance—Damage to Neighbouring Property—Locomotive on Highway Emitting Sparks—Locomotive Drawing Inflammable Cargo—Ignition of Cargo by Sparks—Locomotive Act, 1861, *s.* 13.]—A tractor drawing an inflammable cargo on a public road emitted sparks or cinders which ignited the cargo and thereby caused damage to a house and garden adjoining the road :

HELD—that such use of the tractor combined with the proximity of an inflammable cargo constituted, apart from any question of negligence, a dangerous nuisance at common law as well as a nuisance under Sect. 13 of the Locomotive Act, 1861, and accordingly that the defenders were liable to the pursuers in damages.

SLATER *v.* A. & J. M'LELLAN, [1924] S. C. 854 ; [1924] S. L. T. 634—Ct. of Sess.

IV.—DEPARTMENTAL DECISIONS.

Motor Danger Signs near Schools.

The Ministry of Health informed a local education authority that it was within their powers to incur reasonable expenditure in providing motor danger signs in the neighbourhood of the public elementary schools.

LONDON TRAFFIC.

See "HIGHWAYS."

LUNACY AND MENTAL DEFICIENCY.

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of the Local Government (Emergency Provisions) (No. 2) Act, 1916, relating to claims for pauper lunatic grants.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR No. 628.

MENTAL DEFICIENCY ACT, 1913.

BOARD OF CONTROL,
66, Victoria Street, S.W.1,
19*th March*, 1924.

Mental Deficiency Act, 1913.

SIR,—The Board of Control think it desirable to make some observations on the following two subjects :—

1. The use of institutions approved under Sect. 37 of the Act for mental defectives.
2. The granting of licence to mental defectives.

The Use of Poor Law Institutions approved under Sect. 37.

In consequence of the financial restrictions it has not been possible to provide a sufficient number of institutions specially designed for the care and treatment of defectives and it has been necessary to make greater use of buildings and premises provided by boards of guardians than was originally contemplated. These boards have rendered considerable public service in allowing their institutions to be used for the purpose of the Act, but it is important to observe that certain classes of mental defectives require special arrangements which are not generally available in them.

As the result of their experience the Board desire to offer the following observations in regard to the use of these institutions :—

(1) Mental defectives capable of benefiting by training and varied occupations should not be detained in such institutions for prolonged periods unless the institutions are adequately staffed and equipped to provide for their classification, care, training, employment and

recreation. Unless these are provided local authorities should arrange for the transfer of such cases to other institutions as early as practicable.

(2) Mentally defective children should be removed without delay to institutions in which proper arrangements are made for separating them from the adult inmates and for providing them with such training and teaching as may be necessary.

The Granting of Licence.

The Board regard it as important that in all suitable cases mental defectives should be placed out on licence.

Suitable cases are those who in the course of several years' training have established good habits and some measure of self-control; who do not display erotic, unstable or violent tendencies and who have been trained to do simple work. Such patients will always need some care and control for though they may earn money they rarely develop enough judgment and reasoning power to enable them to spend it wisely. They seldom obtain employment on their own initiative or retain it in the face of any difficulty. Complete discharge is therefore inadvisable and for such patients the Board recommend prolonged licence. Their names should be kept on the books of the institution where they have been trained as recall may become necessary, not only in consequence of deterioration but sometimes on the loss of a situation or the death of the person with whom they have been placed or some other unforeseen circumstance.

Moreover, if, as occasionally happens, a patient has sufficiently improved to justify consideration of his discharge, it is of great advantage that he should be given a prolonged period of licence before the question of discharge is actually decided; only in this way can it be satisfactorily determined whether the defective is really able to manage himself and his affairs or whether he still needs the care and protection afforded by the Act. If during the period of licence the patient's conduct becomes unsatisfactory or he deteriorates mentally, his recall to the institution for further care and treatment can be secured without difficulty.

It is essential that the persons granting or consenting to licence must have satisfied themselves as to the suitability of the place in which the patient will reside and as to the means of care and control which will be available, and they have informed the managers of institutions accordingly and have recommended that the enclosed form should be used for acquiring this information. The Board have also informed the managers that the consent of the local authority should be obtained in all cases where it is proposed to grant prolonged licence. Regular reports as to the condition of patients while on licence should be obtained by the local authority.

The Board have recently had brought to their notice cases in which defectives, with very unsatisfactory histories, have become pregnant and sometimes engaged to be married while on licence. The Board are forced to the conclusion that it has not always been sufficiently realised that defectives allowed out on licence must be very carefully guarded and that the persons to whom they are sent must be fully instructed as to their responsibilities if the system of granting licence is not to break down.

If and when the Act is amended so as to permit of the transfer of

patients from institutions to guardianship without a new order, some patients may no doubt be more properly dealt with by such transfer rather than under licence.

I am, Sir,
Your obedient Servant,
F. J. WILLIS,
Chairman.

To the Clerk of the
Committee for the Care of the Mentally Defective.

APPOINTMENT BY THE KING OF A ROYAL COMMISSION ON LUNACY AND MENTAL DISORDER.

TERMS OF ORDER IN COUNCIL DATED 25TH JULY, 1924.

* * * * * *

And whereas it hath been resolved by both Houses of Parliament that it is expedient that a tribunal be established for enquiring into a matter of urgent public importance, that is to say :—

(1) The existing law and administrative machinery in England and Wales in connection with the certification, detention, and care of persons who are or are alleged to be of unsound mind ;

(2) The extent to which provision is or should be made in England and Wales for the treatment without certification of persons suffering from mental disorder :

Now know ye, that We being desirous of giving effect to the said resolution and reposing great trust and confidence in your knowledge and ability, have authorised and appointed, and do by these presents authorise and appoint you, the said Hugh Pattison Macmillan (chairman) ; John Francis Stanley, Earl Russell ; Eustace Sutherland Campbell Percy (commonly called Lord Eustace Sutherland Campbell Percy) ; Sir Humphry Davy Rolleston ; Sir Thomas Hutchison ; Sir Ernest Varvill Hiley ; Sir David Drummond ; William Allen Jowitt ; Frank Douglas MacKinnon ; Harry Snell ; Anna Mathew ; and Madeleine Jane Symons to be Our Commissioners

To enquire as regards England and Wales into the existing law and administrative machinery in connection with the certification, detention, and care of persons who are or are alleged to be of unsound mind ;

To consider as regards England and Wales the extent to which provision is or should be made for the treatment without certification of persons suffering from mental disorder ;

And to make recommendations :

And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission ; to call for information in writing, and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever ; and further, in virtue of the First

Section of the Act above mentioned, We do by these Presents direct that the said Act shall apply :

And We do by these Presents authorise and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid :

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment :

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do :

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

MENTALLY DEFECTIVE CHILDREN.

The Board of Education addressed a Circular (No. 1341) on this subject to local education authorities on 12th September, 1924.

The circular contained a summary which is reproduced below.

SUMMARY.

The suggestions made in this circular may be summed up as follows :—

(1) Authorities who have not already done so, should perfect their arrangements for the ascertainment of all mentally defective children in their area in accordance with the general principles outlined in this circular.

(2) Children in attendance at Special Schools should be passed periodically under review in order that suitable cases may either be returned to the ordinary school or notified to the Mental Deficiency Committee under the provisions of Articles 3, 4, or 6, as the case may be, of the Mental Deficiency (Notification of Children) Regulations, 1914.

(3) In the case of mentally defective children who are suitable for admission to special schools but for whom for the moment no special school is available, especially for those who are in no school at all, the authority's arrangements for the ascertainment of the children and for school attendance should cover arrangements for the supervision of the children by means of home visits, whether by school nurses, care committees, paid welfare workers, or voluntary organisations.

(4) The main objects of such supervision are two : (*a*) to give advice to parents, and (*b*) to provide means by which all cases are reviewed from time to time with a view to the notification of suitable cases to the Mental Deficiency Committee under the Mental Deficiency Act, 1913. In this

connexion special attention should be given to the cases of boys and girls of 14 and 15 years of age in order that the provisions of Article 5 of the Notification Regulations, 1914, may be utilised in appropriate cases.

(5) Before notifying a child to the Mental Deficiency Committee, the local education authority should consider reports from the medical officer on the child's physical and mental condition, from the teacher on his progress and behaviour in school, and from the Care Committee or competent persons on his home circumstances.

(6) Authorities should consider, in appropriate cases and under careful safeguards, the possibilities of retaining high grade mentally defective children in classes for mentally retarded children.

(7) Close co-operation should always be secured between the local education authority and the Mental Deficiency Committee.

Tenth Annual Report of the Board of Control (for the year 1923).—This document was issued during the year, and copies are obtainable from usual sources, price 10*s.* 6*d.*

Dietaries in Mental Hospitals: Report of Departmental Committee.—This document was issued in May, 1924. Copies are obtainable from usual sources, price 6*s.* 6*d.*

Nursing Service in County and Borough Mental Hospitals: Report of Departmental Committee.—The price of this Report is 1*s.* 3*d.* It was issued in November by the Board of Control.

III.—CASES.

Alleged Lunatic—Justices' Reception Order—Leave of Absence—Wrongful Detention while on Leave—Re-taking under Reception Order—Subsequent Re-certification—False Imprisonment—Damages—Liability for Subsequent Detention of Alleged Lunatic—Remoteness—Novus Actus Interveniens—*Chain of Causation Broken—Lunacy Act*, 1890 (53 Vict. *c.* 5), *ss.* 35, 38, 55, 85, 150, 330—*Lunacy Act*, 1891, *s.* 7.]—After the plaintiff had been examined by two medical men on 10th November, 1912, an order was made by a justice for his reception as a person of unsound mind in the licensed house of the defendant, Dr. A. On 12th December, on A.'s advice, a leave of absence for twenty-eight days was sanctioned by two visiting justices. On 14th December the plaintiff called at the office of the Lunacy Comrs., and the defendant Dr. B., a Comr. in Lunacy, on the ground that the plaintiff was unfit to take care of himself, detained him until he had communicated with A., who sent two attendants to take the plaintiff back to the licensed house. In February, 1913, the plaintiff was removed to a public asylum, where he remained until 1917, when he was removed to the house of Dr. L., from which he escaped in 1921. Between 1912 and 1921 the plaintiff was examined from time to time by visitors and doctors. The plaintiff in 1923 brought an action against A. and B. claiming damages for wrongful detention as a lunatic. The jury found (*inter alia*) that the plaintiff was of sound mind on 14th December, 1912; that A. honestly believed on that day that the

plaintiff was of unsound mind, but that he did not take reasonable care in acting as he did on that day; and on the assumption that both defendants were jointly responsible for the detention of the plaintiff at the Lunacy Comrs.' Office on 14th December, and for his subsequent removal to A.'s house, and for his subsequent detention as a lunatic until 1921, awarded £25,000 damages as against both defendants.

HELD—that the defendant A. was not liable, as he had the right, under the reception order, to compel the plaintiff to return to his house, and, further, he was protected by s. 330 of the Lunacy Act, 1890; (2) that the damages against the defendant B., who had no legal right to detain the plaintiff, must be limited to damages for an imprisonment up to but not beyond the time when A. had the opportunity, and exercised it, of forming an independent judgment of the plaintiff's mental condition, and whether it was necessary to continue to detain him under the reception order.

Decision of Lush, J. (1924), 40 T. L. R. 414, reversed.

HARNETT *v.* BOND, [1924] 2 K. B. 517; 93 L. J. K. B. 946; 131 L. T. 782; 40 T. L. R. 653; 68 Sol. Jo. 770—C. A.

At the time of going to press an appeal against this decision is pending in H. L.

IV.—DEPARTMENTAL DECISIONS.

Mental Disorders.

In the House of Commons on 15th November, 1923, Mr. Barker asked the Minister of Health if he had received a copy of a resolution passed by the Guardians of the Bedwellty Union, deploring the growing increase of insanity, imbecility, and epilepsy, which had become a serious menace to the national health; and would he take measures for the eradication of these diseases by means of research work for the causes, prevention, and possible cure by propaganda similar to that carried out for tuberculosis, syphilis, etc. ?

The Minister replied: I have received a copy of the resolution referred to. While I concur in the view that insanity seriously affects the national health, I would point out that the incidence of insanity is not increasing out of proportion to the growth of population. Research into the causes of mental disorder is recognised as one of the first essentials if the possibilities of prevention and cure are to be fully explored. The question of propaganda, however, in regard to mental disorder presents special difficulties which would require further consideration before I could make any promise in the matter.

MARKETS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

"UNAUTHORISED MARKETS."

(From *The Justice of the Peace* of 29th March, 1924.)

The question of how to deal with "unauthorised markets" has recently been under consideration by a special committee of the Association of Municipal Corporations. Local authorities who own market undertakings are, at times, prejudicially affected by the establishment of rival undertakings, and, further, apart from the infringement of existing market rights, unauthorised markets are frequently carried on in places and under circumstances which involve danger to public health.

Under the common law the owner of a market franchise is entitled to resist the establishment of a rival market within six and two-thirds miles of the *locus*

of his market. This principle dates back to the time of Bracton. It is based on the assumption, that an ordinary day's walk may be taken at twenty miles, and that, dividing the day into three parts, a man who purposes using a local market will occupy the morning in going to market, the middle of the day in buying and selling, and the remaining part of the day in returning home. This principle or rule was endorsed by the House of Lords in the famous Spitalfields Market case, *Great Eastern Railway Co.* v. *Goldsmid* (1884), 9 A. C. 927.

In the case of *Yard* v. *Ford*, decided in the reign of Charles II., it was held (we quote from the headnote), "that if a new market be erected without a patent in a town near to an ancient market, it may be a nuisance though holden on different days." If the new market be held on the same day there is a legal presumption of infringement of the rights of the owner of the old market, or, in the language of the *Yard* case above cited, a presumption that the new market shall be intended to be a "nuisance."

* * * * * *

The Association desire the enactment of a provision on the lines of Sect. 116 of the Leeds Corporation (Consolidation) Act, 1905, under which any person who, without the licence of the corporation, holds or permits to be held, any market within the city, shall be liable to a daily penalty of £50.

III.—CASES.

Franchise — No Charter — Presumption of Lost Grant—Disturbance.] —Plaintiffs claimed to be successors in title of the owner of an ancient market, for which no charter or grant from the Crown could be produced. It was proved that regularly within living memory a market had been held on Saturdays in the place or vicinity in which plaintiffs carried on their market; and the Court was asked to presume the lost grant of a franchise of market and a prescriptive right to hold the market on Saturdays. Further, the defendants had permitted sales to be held on Thursdays on some waste land belonging to them within two hundred yards of the plaintiffs' market. In an action for a declaration and an injunction it was

HELD — that the Court should infer the existence of a grant from the Crown, in reliance upon the well-known principle that, where possession or user, in assertion of a right capable of a legal origin, has long been enjoyed, although it is not from time immemorial and is unexplained, the Court will presume a legal origin if a legal origin be possible; that, as the defendants' market was not held on the same day as that of plaintiffs, there was no disturbance of it by intendment of law, and the proof of some damages to the ancient market was necessary to sustain the action in that respect; and that the plaintiffs were entitled to a declaration that they were the owners of an ancient market on Saturdays only, for the exclusive sale of such articles as were proved to have been sold hitherto, and, on proof of the damage above mentioned, to an injunction restraining the defendants from allowing the sale of similar articles in the Thursday markets.

A.-G. *v.* Horner, [1913] 2 Ch. 141, and Hammerton *v.* Dysart, [1916] 1 A. C. 57 followed.

WINSFORD ENTERTAINMENTS, LTD. *v.* WINSFORD URBAN DISTRICT COUNCIL.

(From the Morning Post, 22nd December, 1924); K. B. D. (18th December, 1924), Sankey, J.

IV.—DEPARTMENTAL DECISIONS.

Tolls on Samples.

Doubt having been expressed whether a council could impose a toll upon samples under Sect. 166 of the Public Health Act, 1875, the Ministry of Health expressed an affirmative view on the question.

Position of Parish Councils.

The Minister of Health informed a parish council that they had no power to acquire and carry on a market. Under the Public Health Act, 1908, it might be possible for the rural district council to take action in the matter, and if they did so it would be open to them to delegate their powers to the parish council as their agents.

MATERNITY AND CHILD WELFARE.

See "CHILDREN."

MEDICAL OFFICERS OF HEALTH.

See "OFFICERS."

MENTAL DEFICIENCY.

See "LUNACY."

MENTAL HOSPITALS.

See "LUNACY."

MIDWIVES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

REPORT ON THE WORK OF THE CENTRAL MIDWIVES BOARD FOR THE YEAR ENDED 31ST MARCH, 1923.

This document is dated 15th November, 1923, and was published somewhat later. Copies are obtainable from usual sources, price 3*d.*

Midwives as Jurors.—A circular to under-sheriffs issued by the Home Office on 24th May, 1924, contained the following passage :—

"Mr. Henderson has no doubt that midwives are in fact readily excused from service as jurors whenever their attendance at a confinement is a matter of pressing urgency, and the question of exempting them altogether from liability will be considered as soon as a suitable opportunity for legislation on the subject presents itself."

MINISTRY OF HEALTH.

I.—STATUTES.

See under Act of "Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of Sect. 12 of the Local Government (Emergency Provisions) Act, 1916, relating to sanctions etc., being by letter.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

[NOTE.—Numerous circulars issued by the Ministry of Health during 1924 will be found under appropriate headings.]

THE MINISTRY AND THE BRITISH EMPIRE EXHIBITION, 1924.

The Ministry of Health, like other important departments of the Home Government, were represented in the British Empire Exhibition, and the Ministry's exhibits proved very interesting and instructive to local authorities and their officers though they were cramped into a very small space in the Government Pavilion and the annexe in rear. These exhibits included the following :—

Housing.—Photographs and plans illustrating the lay-out of approved housing estates and the design of the houses. The examples were selected from different parts of the country so as to show the difference in design according to local conditions and the materials available.

Town Planning.—Two large town planning models were shown side by side, one representing a common type of industrial town, devoid of intelligent arrangement, inconvenient, and smoke-blackened, and the other showing what can be accomplished by foresight and skilled design upon the same site. There was also a set of the maps required for a town planning scheme and a perspective plan showing what Margate is expected to look like at some future date. A map indicated the regions in England and Wales where town planning schemes were being carried out.

Disease Prevention.—The Ministry's exhibit on this subject supplemented that in adjoining rooms and in the annexe by the committee on Tropical Diseases and Hygiene. A diagram showed the remarkable decline in the death rate of England and Wales during the last 70 years ; another diagram the deaths of infants under one year per 1,000 births between 1864 and 1923, the mortality having been practically halved. A third diagram showed the decline in deaths from tuberculosis, the death rate being now less than one-third of what it was in 1859. Others illustrated the conquest of typhus fever by sanitation, the striking reduction in the death rate from typhoid, and the value of antitoxin in cases of diphtheria. Pictures of the latest types of sanatoria illustrated the prevention of diseases by clean milk production, and the daily routine in sanatoria and institutions such as village settlements and those for heliotherapy.

Maternity and Child Welfare.—This exhibit consisted of a model maternity home and a model infant welfare centre, also a small average home illustrating how Mrs. John Bull may make the best of her surroundings and bring up a healthy family. Show cases contained specimens of model clothing, and a series of meals suitable for young children at different ages.

Water Supply.—This exhibit was designed to illustrate some of the various technical devices which have been adopted to ensure a supply of pure and wholesome water. Sections of wells in dangerous situations were shown, as well as diagrams illustrating the influence

of geological formation upon water supplies. Several methods of treating water, such as by mechanical filtration and by chlorination, were illustrated by means of small models. Maps and diagrams illustrated the method adopted for recording the information obtained in the Ministry's survey of the water resources of England and Wales.

Sewerage and Sewage Disposal.—Photographs and working models enabled visitors to study the most modern methods for the disposal of sewage. Other models illustrated special features of sewage purification schemes.

Public Cleansing.—This exhibit, relating to a service upon which even more money is spent than on sewerage and sewage disposal, showed the amount of work involved and the methods by which it is done. Illustrations or models of collection and disposal plant of different types, and of machines used in the utilisation of waste and in street cleansing were exhibited, together with samples of some of the valuable by-products which are recovered.

Smoke Prevention.—The exhibit on this subject showed the approximate amount of impurity in town air, and the instruments used for recording and measuring air pollution. Charts illustrated the damage and waste of fuel caused by inefficient combustion.

Welfare of the Blind.—This exhibit showed how the incurably blind can be taught to make the best of life under the disability. The latest scientific inventions for helping the blind and specimens of their handiwork were included.

It appears that the Ministry intend to exhibit on a much larger scale in 1925 : see the circular of 29th December, 1924, below.

Circulated to Medical Officers of Health of County Councils, County Borough Councils, Metropolitan Borough Councils.

BRITISH EMPIRE EXHIBITION, 1925.

MEMORANDUM AS TO HEALTH EXHIBIT IN THE GOVERNMENT PAVILION.

1. In the Exhibition, which will re-open in May, 1925, a much more adequate space has been given to the Ministry of Health in the Government Pavilion, and the ground floor galleries, allotted in 1924 to the Navy, Army and Air Force, are to be devoted to a Health exhibit of about the same magnitude as the Tropical Health exhibit of 1924, which cannot be continued.

2. The Tropical Health exhibit was the result of more than a year's careful preparation and arrangement. As only three or four months are at our disposal, it is not possible to get together a Health exhibit which requires the preparation of many new models, new elaborate show-cases, and the like. Nevertheless, by the conjoint participation of a number of different bodies such, for example, as the Royal Colleges, the Universities, the county councils, and the county boroughs with our own and other Government Departments which are concerned in health questions, it is hoped to obtain an excellent collection of already existing materials and to fit it into a scheme which has been prepared for the Ministry.

3. This scheme is intended to illustrate the gradual development of preventive medicine, the disappearance in England of certain diseases owing to its activities, the control of others, and, tracing the life of the citizen from ante-natal times to death, to show the effects of modern preventive medicine contrasted with conditions existing before its inception. By the kind permission of Mr. Henry Wellcome the services of Dr. S. H. Daukes, the organiser of the very successful Tropical Medical exhibit of 1924, have been lent to the Minister for the purpose of organising this exhibit, and necessary funds are being placed at his disposal by the office committee which is responsible for it.

4. In view of the shortness of time it is essential that as much use shall be made as is possible of existing models, specimens and diagrams illustrating different points of preventive medicine in its widest sense.

5. To this end, and to emphasise the part played by local administration, it is desired to seek assistance from Medical Officers of Health of important areas over the country and to obtain from them an idea of what might be available.

6. Medical Officers of Health who are willing to assist in this object are accordingly invited to send to :—

" Medical Officer (Exhibition)," Ministry of Health, Whitehall,

a list of any models or specimens which are thought likely to fit into such a scheme and which might be lent for the purpose, on the understanding that all expenses of packing, transport, insurance, etc., are defrayed by the Ministry. The list should give the following particulars :—

(1) Brief but clear description giving, if possible, the date of the model or specimen.
(2) If a model, is the original of the model still working ?
(3) Exact dimensions : if a show-case is included, exact dimensions of the show-case.

When these lists have been received and considered, and the preliminary selection made, a further communication would follow as to the arrangements for loan, transmission, etc. The origin of any articles lent would be suitably indicated when they are exhibited.

7. Among things sought for are models of hospitals, sanatoria, disinfection and cleansing stations, clinics, etc., or actual objects, illustrating the cause of particular epidemics or the prevention of disease. Particularly striking pictures, photographs and diagrams may also be utilisable. Illustrations of water supply, atmospheric pollution, sewage purification and refuse disposal required for the scheme are being arranged for by the engineering staff of the Ministry, and illustrations of housing by the housing staff. Any suggestions from Medical Officers of Health on these subjects will be welcomed and communicated to these sections of the Ministry for direct correspondence.

8. This application for information applies equally to local objects or models, *e.g.* in museums or other institutions, which are not the property of the Medical Officer of Health or sanitary authority. Their owners can be communicated with directly from the Ministry when it is thought preferable that this should be done.

9. Owing to the lateness of the decision to continue Wembley in 1925, and to include this exhibit, time is essential to the business,

so that it is hoped to receive replies from Medical Officers of Health willing and able to assist at the earliest possible date. They should be addressed as noted above (paragraph 6).

MINISTRY OF HEALTH,
(Med. 1.)
29*th December*, 1924.

Fifth Annual Report of the Ministry of Health, 1923–1924. [Cmd. 2218.]—This document was issued in July, 1924, and copies were placed on sale, price 5*s*.

IV.—DEPARTMENTAL DECISIONS.

[NOTE.—Other decisions of the Ministry will be found under appropriate headings.]

Deputations to the Ministry.

The Ministry of Health adopted the following new rules with regard to the reception of deputations:

1. If the points to be discussed are not clear from previous correspondence, a note in which they are briefly summarised should be forwarded to the Ministry before the interview takes place.
2. It is desirable, in order that proper arrangements may be made, to notify the number of any deputation.
3. In the interests of economy it is important that the number of persons deputed by any local authority for one interview should not be more than is essential to present the local authority's views. The number should not exceed two, unless there are special reasons for the attendance of a larger number.

MONUMENTS.

See "ANCIENT MONUMENTS"; "WAR MEMORIALS."

MOTOR CARS.

See "LOCOMOTIVES."

MUNICIPAL CORPORATIONS.

See also "ACCOUNTS"; "AREAS"; "DISTRICT COUNCILS"; "ELECTIONS."

III.—CASES.

Alderman—Managing Director of Limited Company having Contracts with the Corporation—"Share or Interest" in Contract—Disqualification—Exemption from Disqualification—"Share or Interest" in Company—Municipal Corporations Act, 1882, *ss.* 12 (1) (*c*), (2) (*e*), 41 (1).]—The appellant was an alderman of a city corporation to which the Municipal Corporations Act, 1882, applied. He was at the same

time the managing director of a limited company which had contracts running with the corporation. The appellant was in fact paid a fixed salary, but under the articles of association of the company it was open to the directors of the company to remunerate the appellant by a share of the profits of the company. There was no evidence that the appellant had taken any active part in the negotiation, preparation, or supervision of the said contracts beyond that which a managing director might be presumed to take in the ordinary discharge of his duties. The questions raised on the appeal were whether the appellant, as managing director of the company, had a "share or interest" in the said contracts within the meaning of s. 12 (1) (*c*) of the Municipal Corporations Act, 1882, and, if so, whether he was exempted from disqualification under s. 12 (1) (*c*) by the provisions of sub-sect. (2) (*e*) of the same sec. :

Held (by Bankes and Scrutton, L.JJ.) : that the appellant had not a "share or interest" in the said contracts within the meaning of sub-sect. (1) (*c*), and was not disqualified for being elected or for being a councillor.

Qu., whether, if the appellant had a "share or interest" in the said contracts, he was protected from disqualification by the provisions of sub-sect. (2) :

Held by Atkin, L.J. (dissenting) : that the appellant had a "share or interest" in the said contracts, and was disqualified under sub-sect. (1) (*c*), and was not protected from disqualification by the provisions of sub-sect. (2).

Decision of Bailhache, J. (1924), 93 L. J. K. B. 991, reversed.

LAPISH *v.* BRAITHWAITE, [1925] 1 K. B. 474 ; (1924), 93 L. J. K. B. 1123 ; 131 L. T. 586 ; 88 J. P. 187 ; 41 T. L. R. 14 ; 69 Sol. Jo. 70 ; 22 L. G. R. 665—C. A.

IV.—DEPARTMENTAL DECISIONS.

Cost of Promoting Charter Scheme.

Section 214 of the Municipal Corporations Act, 1882, provides that if the committee of council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the committee of council may order those costs to be so paid, and they shall be paid accordingly.

The Privy Council held in a case during the year that this provision does not apply unless a proposal reaches such a stage that there is a scheme promoted or opposed before them.

NOTE.—With regard to the payment of the costs of a successful scheme, this is provided for in the Fifth Schedule of the Act, which enacts that such costs may be paid by order of the new town council out of the borough fund.

Charter Schemes Held up.

An urban council inquired of the Ministry of Health whether there was any prospect of success if they promoted a scheme for the incorporation of the town. They were informed that the Royal Commission on Local Government was taking evidence on this and other subjects, and that some time would probably elapse before they presented a report. In the meantime it was understood that the Privy Council were not entertaining applications of this character.

NATIONAL HEALTH INSURANCE.

See "INSURANCE."

NOTICES.

See also "PRIVATE STREETS."

IV.—DEPARTMENTAL DECISIONS.

Notices on "Chapel" Doors.

The Ministry of Health were consulted as to whether the word "chapel" as used in the Public Health Acts applied to nonconformist places of worship. The Acts require certain notices to be affixed to the principal doors of churches and chapels.

The Ministry replied that they had no power to give an authoritative ruling on the question, but that they were disposed to think that "chapel" referred only to chapels belonging to the Church of England.

OFFICERS OF LOCAL AUTHORITIES.

See also "EDUCATION."

I.—STATUTES.

FINANCE ACT, 1924.

14 & 15 Geo. 5, c. 21.

* * * * * *

28. For the purposes of any assessment to income tax for any year which is made on or after, or has not become final and conclusive before, the thirtieth day of April, nineteen hundred and twenty-four, or of any deduction on account of income tax for any year, any increase of or addition to any salary, remuneration, pension, annuity or stipend by way of war bonus, and any other like temporary increase or addition granted in order to meet the rise in the cost of living, shall be, and shall be deemed always to have been, chargeable to tax as salary, remuneration, pension, annuity or stipend, as the case may be, and not as perquisites under Rule 4 of the Rules applicable to Schedule E, or under the fourth of the Rules for charging the duties under Schedule E in section one hundred and forty-six of the Income Tax Act, 1842 (*a*).

* * * * * *

36. The following exemption shall be substituted for exemption numbered (6) under the heading "Receipt given for, or upon the pay-

(*a*) The fourth Rule for charging the duties under Schedule E in s. 146 of the Income Tax Act, 1842, is as follows:—

"Fourth—The perquisites to be assessed under this Act shall be deemed to be such profits of offices and employments as arise from fees and other emoluments, and payable either by the Crown or by the subject, in the course of executing such offices or employments, and may be estimated either on the profits of the preceding year, or of the fair and just average of one year of the amount of the profits thereof in the three years preceding; such years in each case respectively ending on the fifth day of April in each year, or such other day of each year on which the accounts of such profits have been usually made up."

ment of, money amounting to two pounds or upwards" in the First Schedule to the Stamp Act, 1891 (*b*):—

"(6) Receipt given for or on account of any salary, pay or wages, or for or on account of any other like payment made to or for the account or benefit of any person, being the holder of an office or an employee, in respect of his office or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance or other like allowance."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O. 550.

THE POOR LAW OFFICERS (QUALIFICATION) ORDER, 1924, DATED 9TH MAY, 1924, MADE BY THE MINISTER OF HEALTH.

69,172.

* * * * * *

No person shall, after the date of this Order, be appointed or be eligible for appointment to any paid office under a Board of Guardians who is or has within twelve months been the chairman or a member of that Board of Guardians.

CIRCULAR 501.

BOARDS OF GUARDIANS.

MINISTRY OF HEALTH,
12*th May*, 1924.

SIR,—I am directed by the Minister of Health to refer to the circular letter issued by the Local Government Board on the 21st June, 1910, with regard to appointments to posts in the Poor Law Service. At that time all principal appointments in the service required individual approval by the central authority, and in the circular letter referred to the Local Government Board indicated their general intention of refusing to approve the appointment to such posts of persons who at the time of appointment were, or at any time within the preceding twelve months had been, members of the appointing Board of Guardians.

As the guardians are aware, the Minister has taken steps to reduce to a minimum the cases in which it is necessary to refer to him decisions taken by local authorities on particular matters of comparative detail; and appointments which may be made in contravention of the principle laid down in the cited circular do not necessarily now come before him for approval. He has therefore thought it desirable

(*b*) The repealed exemption was as follows:—
"(*b*) Receipt given by any officer, seaman, marine or soldier, or his representatives, for or on account of any wages, pay or pension, due from the Admiralty or Army Pay Office."

to issue the Order, of which two copies are enclosed, making members of a Board of Guardians ineligible for appointments under that Board.

The Minister is confident that guardians generally recognise the impropriety of such appointments and will be prepared to endorse the view upon which the Order has been framed.

* * * * * *

I am, etc.

III.—CASES.

Clerk of the Peace—Clerk Appointed after 1888—*Tenure of Office—Local Government Act,* 1888, *ss.* 83, 118.]—The plaintiff claimed against the defendants, the Standing Joint Committee of the administrative county of West Sussex, a declaration that his tenure of the offices of clerk of the peace and clerk of the county council of that administrative county was a freehold tenure, and that a notice in writing to determine his tenure was ineffective:

HELD—that the office to which a clerk of the peace was appointed since the passing of the Local Government Act, 1888, was not a new office, but the old office with certain new duties superadded, and was an office for life subject to good behaviour, the attachment of an invalid condition to the appointment not making the appointment void, for the two were severable, and, accordingly, the plaintiff's appointment could not be terminated by notice.

Decision of Swift, J., [1924] W. N. 269, reversed.

THORNELY *v.* LORD LECONFIELD, [1925] 1 K. B. 236; 94 L. J. K. B. 192; [1924] W. N. 308; 41 T. L. R. 143; 22 L. G. R. 767; 59 L. Jo. 789; 158 L. T. Jo. 428; 88 J. P. Jo. 717—C. A.

Salary—Voluntary Payment by Employers without Deduction of Income Tax—Basis of Assessment—Income Tax Act, 1853, *s.* 2, *Sched. E.*]—Where an employer voluntarily pays the income tax on the salary of an employee, the amount so paid becomes part of the employee's salary or income which comes to him by virtue of his office or employment, and is assessable under the rules applicable to Sched. E.

Decision of Rowlatt, J., [1924] 2 K. B. 168, affirmed.

HARTLAND *v.* DIGGINES, [1925] 1 K. B. 372; 94 L. J. K. B. 297; [1924] W. N. 308; 41 T. L. R. 131; 69 Sol. Jo. 141; 59 L. Jo. 758; 158 L. T. Jo. 428—C. A.

IV.—DEPARTMENTAL DECISIONS.

Security of Tenure.

On 15th February, 1924, the Minister of Health was asked in the House of Commons to state what municipal, local government, and other public officers had security of tenure of office respectively; and the titles and sections of the Acts or Orders which gave that protection?

The Minister replied: The appointments of the following officers cannot be determined except with the consent of the Minister of Health:

(1) County Medical Officers of Health (Sect. 68 (5) of the Housing, Town Planning, etc., Act, 1909) and the Medical Officers of Health and the senior or chief sanitary inspectors of the following authorities:—

(*a*) Metropolitan Borough Councils and the Port Sanitary Authority of London (Sect. 108 (2) (*b*) of the Public Health (London) Act, 1891, and Sect. 7 (1) of the Public Health (Officers) Act, 1921).

(*b*) Councils of non-County Boroughs, Urban Districts and Rural Districts, if " whole-time " officials (Sect. 1 (*b*) and Sect. 2 (1) (*b*) of the Public Health (Officers) Act, 1921), except cases in which the council does not claim from the Exchequer Contribution Account the repayment of a moiety of the salary of the official.

(*c*) Councils of County Boroughs, if " whole-time " officials and if Sect. 1 (*a*) or 2 (1) (*a*) of the Public Health (Officers) Act, 1921, applies to them.

Some Medical Officers of Health and Sanitary Inspectors have reserved rights of tenure under Article IX. of the Sanitary Officers (Outside London) Order, 1910, although that Order has now been revoked.

(2) The following officers of poor law authorities :—

(*a*) Clerks to guardians, treasurers and chaplains (General Order (Consolidated) 24th July, 1847).

(*b*) Medical officers of institutions or districts (Medical Appointments Order, 25th May, 1857).

(*c*) Masters, matrons, schoolmasters and schoolmistresses of institutions, and relieving officers (General Order (Amendment of Consolidated and other Orders) 12th February, 1879).

(*d*) Superintendent nurses of institutions (Poor Law Institutions (Nursing) Order, 13th December, 1913).

The principal officers of infirmaries and other institutions under special regulations hold office with the same tenure as that given to similar officers by the General Consolidated and other Orders mentioned above.

The appointment of the engineers or surveyors of road authorities can be determined only with the consent of the Minister of Transport, where the authority claims from State funds the repayment of a moiety of the salary of the official (Sect. 17 (*a*) of the Ministry of Transport Act, 1919).

Remuneration of Clerk to Assessment Committee.

The Minister of Health issued the following statement : It is not competent to a board of guardians to fix the amount to be paid for services rendered as clerk to the assessment committee. Having regard to Sects. 10 and 38 of the Union Assessment Committee Act, 1862, the remuneration must be such as is allowed by the committee and sanctioned by the Minister. As, however, the guardians have to pay the amount, the Minister considers that the proposal of the committee should be reported to the guardians in order that they may make any representations to the Minister which they may think proper.

Commission on Insurance Premiums.

The Ministry of Health expressed the opinion that commission on insurance premiums received by a clerk to a district council should be handed over to the council.

Public Health Services.

On 2nd October in the House of Commons Mr. J. Guest asked the Minister of Health whether he had read the statement of Sir George Newman in his Report for 1923, to the effect that there are many authorities and medical officers of health who muddle on from hand to mouth, the victims of every passing whim or popular stunt, instead of organising their work as responsible and competent men charged with the duty of directing the public service of their district ; whether there was any record at the Ministry of the muddling authorities and incompetent medical officers of health ; and, if so, what action he proposed to take, in the interests of the community, to remove the medical officers of health referred to from office and to supersede such authorities ?

Mr. Wheatley replied : The answer to the first two parts of the question is " Yes." With regard to the third part, the difficulty is largely due to the passivity of local public opinion on health questions in many areas,

and I have this point under consideration. Further difficulty arises owing to the number and size of many of the 1,800 sanitary authorities, a subject which would fall within the scope of the terms of reference to the Royal Commission on Local Government now sitting. There is no question that the large authorities are, as a whole, discharging their duties satisfactorily. In regard to the tenure of office of medical officers of health, I may refer the hon. gentleman to my answer to the right hon. and learned member for Ealing on 15th February last.

Mr. R. Richardson asked if the statement in the Annual Report for 1923 of Sir George Newman, to the effect that in hundreds of sanitary districts there is a failure to use the facilities which the sanitary law provides, was based upon official records of the Ministry of Health; and, if so, whether he was prepared to appoint a Royal Commission to inquire generally into the whole question of the administration of the laws relating to public health and housing and the generally unsatisfactory conditions prevailing in the sanitary service?

Mr. Greenwood replied: The answer to the first part of the question is "Yes." The second part refers to a matter which would fall within the scope of the terms of reference to the Royal Commission on Local Government now sitting.

Payment to Permanent Officers out of Loan Moneys.

The Ministry of Health explained to a local authority that it has always been their view that if the wages of permanent employees were chargeable to loan, there would be practical difficulties in the way of making a proper allocation of items chargeable to loan and to revenue. It was not good finance to borrow for the remuneration of men in continuous service. The object of borrowing was to equalise expenditure over a period of years, but expenditure on salaries was already equalised. The sole effect of borrowing would therefore be to make an unnecessary charge for interest.

OLD AGE PENSIONS.

I.—STATUTES.

OLD AGE PENSIONS ACT, 1924.
14 & 15 Geo. 5, c. 33.

[7th August 1924.]

1. Paragraph (3) of section two of the Old Age Pensions Act, 1908 (*a*), as amended by subsection (1) of section two of the Old Age Pensions Act, 1919 (*b*) (which contains the statutory condition as to means), shall for all purposes have effect as though after the words "calculated under this Act" there were inserted the words "after deducting therefrom such part, if any, thereof, but not exceeding in any case thirty-nine pounds, as is derived from any source other than earnings" (*c*).

* * * * * *

(*a*) See "Local Government, 1908," p. 764.

(*b*) See "Local Government, 1919," p. 427.

(*c*) Paragraph (3) will therefore now read as follows:—"(3) The person must satisfy the pension authorities that his yearly means as calculated under this Act after deducting therefrom such part, if any, thereof, but not exceeding in any case thirty-nine pounds, as is derived from any source other than earnings." See the explanatory circular of the Ministry of Health of 8th August, 1924, inserted below.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 521.

PENSION COMMITTEES AND SUB-COMMITTEES.

MINISTRY OF HEALTH,
8th August, 1924.

THE OLD AGE PENSIONS ACT, 1924.

SIR,—I am directed by the Minister of Health to bring to the attention of the Old Age Pension Committees and sub-committees the provisions of the Old Age Pensions Act, 1924, which received the Royal Assent and came into operation on the 7th instant.

2. The Act provides that, in the calculation of means for the purpose of determining whether an old age pension should be granted, and, if so, of what amount, earnings shall continue to be taken into account at their full value, but other means shall be subject to a deduction of £39 per annum in the case of a single person, or £78 per annum in the case of a married couple living together in the same house. The other provisions of the Old Age Pensions Acts are not altered by the new Act.

3. The Act is not retrospective, but may increase the rate of pension to which a claimant or pensioner is entitled in respect of any period subsequent to the date of operation of the Act, or to the date on which a claim or question raised by a pensioner is received by the pension officer, whichever be the later.

4. Except in cases in which a claim to pension or a question as to the rate at which it is to be paid is already before the pension authority, an increase of an existing pension would be available under the new Act only on the raising of a question by the pensioner by application in the usual way to the pension officer. In order to secure that the benefits of the Act shall accrue to as many as possible of the pensioners concerned at the earliest date, the pension officers have been instructed to issue to pensioners receiving less than the full rate of pension the memorandum of which a copy is enclosed. Accompanying the memorandum is a form—of which a copy is enclosed—on which the pensioner may raise the necessary question.

5. In the case of outstanding claims and questions, the committee should consider the position of the claimant or pensioner in respect of the period both before and after the date of operation of the Act, and their decision should indicate the rate of pension, if any, payable up to that date (the 7th instant), and the rate, if any, payable as from that date.

6. The Minister is only empowered to determine questions arising in specific cases on which appeal is made to him, but he thinks it will be of assistance to the pension committees to acquaint them generally with the view on which, as he is advised, appeals arising under the new Act are to be determined.

These appeals will generally turn upon the interpretation of the term " earnings." This term, as the Minister is advised, should be interpreted as having its ordinary meaning of receipts in cash or kind as the reward of labour currently rendered. It is immaterial whether

the work in respect of which the remuneration is received is regular, casual or occasional, but the term does not include pensions or other allowances in respect of past services.

Two classes of difficult cases may be specially mentioned.

(*a*) Where a pensioner or claimant is deriving profit or benefit by his own labour from a business or shop, a small-holding or allotment, from the letting of furnished rooms or taking in lodgers, and in analogous cases, only part of the profit or benefit can properly be regarded as earnings within the meaning of the Act, viz. only that part that can fairly be taken to represent the reward of the pensioner's or claimant's present exertions ; and the Minister suggests that this part will be roughly equivalent to the amount which would have been expended in hiring labour for the same services.

In determining this amount in any particular case regard should be had to the fact that, partly because it is his own business and partly in consequence of his advanced years, the time spent by a person who has attained the age of 70 in performing work of the kind under review may be very much greater than the time necessarily taken by a younger person engaged as an ordinary employee. It is the cost of the latter that would be a proper guide in determining what part of the profit or benefit should be regarded as earnings.

(*b*) As a general rule the payment of money or money's worth by children to parents who render services in the household should not be regarded as earnings of the parent. Thus, where a parent resides with a son or daughter no part of the value of the maintenance should be regarded as earnings, whether the parent does or does not perform or assist in performing domestic work in the house. Where again the parent is the householder the presumption should be, as the Minister is advised, that any profit or benefit derived by the parent from payments made by the children for board and lodging is a voluntary gift, to be reckoned as means derived from some source other than earnings. Where the relatives concerned are not children, but, it may be, grandchildren, nephews or nieces, this presumption would still appear generally to arise, though in particular cases it may be found, on investigation, to be rebutted by the facts.

Mr. Wheatley feels sure that the pension committees and sub-committees may be relied upon to make all the necessary arrangements for dealing expeditiously with the large number of new claims and questions which may be expected shortly to come before them.

I am, etc.

OMNIBUSES.

See "HACKNEY CARRIAGES."

OPEN SPACES.

See "COMMONS."

OVERDRAFTS.

See "LOANS."

PARISH COUNCILS.

IV.—DEPARTMENTAL DECISIONS.

Proposed Formation into Urban District.

A parish council inquired of the Ministry of Health whether they would be empowered to incur expense in opposing a proposal that the parish should be converted into an urban district. They were informed that the Ministry were advised that expense incurred for such a purpose, if reasonable, was legal, and that the reasonableness would be a question for the district auditor. The Ministry added that the general line of action should be approved by the parish meeting, and that if more than one parish council was concerned, combined action would probably be less costly and more effective than separate action.

Proposed Change of Name of Parish.

A parish council applied to the Ministry of Health for information as to the procedure for the adoption of a new name. The Ministry replied that the only way to secure an alteration of name was to apply to the county council for an order under Sect. 59 of the Local Government Act, 1888, amending the Order which constituted the parish and gave it a name.

NOTE.—Unless such an Order exists which can be amended by a subsequent Order the presumption is that there is no procedure by which a parish can change its name.

PENSIONS.

See "SUPERANNUATION AND WAR ALLOWANCES."

PLEASURE GROUNDS.

See "COMMONS."

POLICE.

See also "SUPERANNUATION."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

POLICEWOMEN: REPORT OF DEPARTMENTAL COMMITTEE ON THEIR EMPLOYMENT (CMD. 2224).

This document was issued in April, 1924, and copies are obtainable from usual sources, price 6*d*. The following is a brief statement of the committee's conclusions:—

(1) Every police authority should provide as far as practicable,

for the statements of women and children when sexual crimes are in question being taken by policewomen.

(2) The efficiency of the police service has been improved by the employment of policewomen, but the question whether there is in any police district sufficient work to justify their whole-time employment, the exact duties to be performed, and whether the duties can be better done in plain clothes or uniform, are matters which must be left to the discretion of the local police authority.

(3) They should make the declaration of a constable.

(4) The chief officer should select recruits, but an experienced woman should assist him.

(5) They should receive the same training as the men, partly, when practicable, under women instructors.

(6) It is not desirable to prescribe the age for recruits.

(7) Officers should be recruited from the ranks.

(8) In due course a woman should be appointed to assist H.M. Inspectors of Constabulary.

(9) The " Baird Committee's " rates of pay should be adopted.

(10) The Police Pensions Act, 1921, should be applied.

(11) Women on patrol duty only should perform seven hours' duty; when on other duties as well the hours should be the same as for the men.

(12) Ultimately women and men may be treated as interchangeable.

(13) Women engaged on clerical work should not be regarded as policewomen.

(14) At least as many women as before the reduction in 1922 should again be appointed in the Metropolitan Police District, and a woman should be attached to headquarters.

PLANS OF POLICE BUILDINGS.

HOME OFFICE,
WHITEHALL,
29th December, 1924.

470,247/4.

SIR,—I am directed by the Secretary of State to refer to the Home Office circular of the 29th December, 1922, and to the further letter of the 5th February, 1923, from this department on the subject of the submission of plans of police buildings for approval, and to say that, having had occasion to reconsider the whole matter, he would ask that in future plans, with an estimate of the cost and a statement of the manner in which it is proposed to meet the cost, may be submitted in the case of *all new police buildings the cost of which may be eligible to rank as police expenses for the purposes of the Exchequer Grant, including police cottages whether with or without cells*, and all structural alterations of existing buildings except minor modifications involving only trifling expenditure.

I am to add that the Secretary of State has appointed Mr. F. W. Troup, F.R.I.B.A., of 14, Grays Inn Square, London, W.C., to advise him on technical questions arising on the consideration of the plans submitted. Mr. Troup will, if occasion requires, communicate direct with the officers of the police authorities concerned, but all

plans, etc., should be submitted in the first instance to this department, and not to Mr. Troup direct. The surveyor to the Prison Commissioners will continue, at any rate for the present, to advise upon the details of cell construction and any other structural arrangements concerned with the custody of prisoners.

In the case of schemes of which the cost is to be defrayed by loan, the Secretary of State will notify the Ministry of Health as soon as the plans are approved in order that there may be as little delay as possible in dealing with the application to that department to borrow the money required.

I am, etc.

The Clerk to the
Standing Joint Committee.

The County and City or Borough Police Forces: Reports of His Majesty's Inspectors of Constabulary for Years ended 29th September, 1923, and 29th September, 1924.—These documents were issued by the Home Office in February and December, 1924, respectively, and copies are obtainable from the usual sources, price 9*d.* net in each case.

Report of Committee appointed to consider possible readjustments in the Standard Conditions of Service of the Police Forces in Great Britain [Cmd. 2086].—This Report, dated 4th March, 1924, is extremely brief and is to the effect that the general economic conditions are so unsettled at the present time that it is not an opportune moment for disturbing an arrangement come to so recently.

III.—CASES.

Strike — Special Emergency — Requisition to Police for Special Service—Pay of Constables Employed—Liability of Requisitioner—County Police Act, 1839, *s.* 18—*Police Act*, 1890, *s.* 16 (1) (*e*), 25.] —Appeal by colliery owners from a decision of Bailhache, J., in an action tried by him, without jury, at the Glamorgan Assizes.

The facts giving rise to the action were shortly these. The appellants were the owners of collieries in the neighbourhood of Swansea. In 1921 the appellants' workmen were on strike and having succeeded in getting the safety men at the collieries to come out, they were doing their best to keep them out, and unless the safety men could be persuaded to return there was imminent danger of the collieries being flooded. On the 9th July there was an interview between the manager of the collieries and the police superintendent of the district as to the amount of police protection which was necessary under the circumstances. The manager contended that it was impossible to get the safety men back and to protect the collieries from flooding without a resident garrison of police upon the colliery premises. The superintendent contended that he could afford complete protection without providing such a garrison. The manager was informed that if he required the resident garrison he would have to sign a requisition for special service of police, under which he would make his employers liable for the cost of rationing the men and for paying them according to the scale of charges set out in the requisition form, as well as for providing sleeping accommodation. The manager accordingly signed a form of requisition; the force was supplied and they remained at the collieries until the 29th August. According to the scale the pay of

the men amounted to £2,200, and the cost of billeting them to £1,330. The action was brought to recover the first-mentioned sum, and the appellants counterclaimed to recover the cost of the billeting, which they had paid. The defences raised were (*a*) that there was no consideration for the agreement, and (*b*) that the agreement was made and signed under compulsion and the request alleged in the requisition was exacted as a condition of the police carrying out their legal duties and obligations. At the trial the learned judge found that in the difference of opinion between the manager and the superintendent as to the nature and extent of the protection necessary the latter was in the right and the manager in the wrong. And he held that as the colliery company was asking for special protection in excess of the sufficient protection which the police were prepared to provide, their express promise to pay was valid. He also held that in the absence of any express promise one would be implied.

The colliery company appealed.

HELD (Atkin, L.J., dissenting)—that there was consideration for the agreement, and that the agreement was not exacted as a condition of carrying out a legal duty or obligation. There was nothing unlawful or against public policy in this particular case in demanding payment for the special police service which was rendered.

Appeal dismissed.

GLAMORGAN COUNTY COUNCIL *v.* GLASBROOK BROS., LTD.

SAME *v.* TIRDONKIN MERTHYR COLLIERIES, LTD. (1924), 88 J. P. Jo. 168; 1 K. B. 879; 93 L. J. K. B. 669; 131 L. T. 322; 88 J. P. 111; 40 T. L. R. 448; 68 Sol. Jo. 576—C. A.

Affirmed by House of Lords, [1925] 1 A. C. 270; 94 L. J. K. B. 272; 69 Sol. Jo. 212; 88 J. P. Jo. 780.

POOR LAW.

See also "EMIGRATION"; "OFFICERS."

I.—STATUTES.

LOCAL AUTHORITIES (EMERGENCY PROVISIONS) ACT, 1924.

14 & 15 Geo. 5, c. 29.

[1st August 1924.]

1. The provisions of the Local Authorities (Emergency Provisions) Act, 1923 (*a*), mentioned in the Schedule to this Act, shall have effect as if for references therein to "nineteen hundred and twenty-four" there were substituted references to "nineteen hundred and twenty-six."

SCHEDULE.

PROVISIONS OF 13 & 14 GEO. 5, C. 6, CONTINUED.

Section of Act.	Subject Matter.
Section 1 - - -	Continuance until the first day of April, nineteen hundred and twenty-four, subject to certain modifications, of section one of the Local Authorities (Financial Provisions) Act, 1921, which provides for the temporary extension of charges on the Metropolitan Common Poor Fund.
* * * * * *	

(a) See "Local Government," 1923, p. 341.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

SURVEY (BY MINISTRY OF HEALTH) OF THE STRUCTURE, EQUIPMENT AND ACCOMMODATION OF CASUAL WARDS IN ENGLAND AND WALES (OUTSIDE LONDON).

[Cmd. 2267, Price 3*d.*]

The increase in vagrancy which has coincided with the period of industrial depression since the war has subjected certain areas to a considerable strain both as regards the accommodation available for vagrants and the administrative machinery of the authorities. The strain was felt the more acutely because during the war the amount of vagrancy had been greatly reduced and the accommodation set apart for vagrants had diminished. The question of revising and codifying the regulations relating to the relief of the casual poor has been receiving the consideration of the Minister, and in connection with this work the Minister directed that a survey of the structure, equipment and capacity of casual wards outside the Metropolis and of the existing methods of administration should be undertaken. The result of this survey is appended in the form of a summary * of the conditions in each county. It must not be understood that these summaries represent the actual position at any definite date. The material was obtained by the Minister's general inspectors in the course of their duties at various dates during a period beginning in September, 1923. In a number of instances it is known that steps have since been taken to meet the points raised in the inspectors' reports.

The number of casual wards included in the survey is 490. There are a few other wards not ordinarily in use. Boards of Guardians are under a statutory obligation to afford necessary relief to destitute wayfarers, and where the wards are not ordinarily in use accommodation for vagrants is provided, in the main institution or otherwise, in cases of urgency.

In a certain number of areas committees have been established for the purpose of the better administration of relief to casuals and their formation was facilitated by an Order of the Local Government Board of 1913. There are at present 25 such committees embracing 334 unions and operating in 44 counties. Some of them are confined to the unions in one county while others operate over more than one county. The effectiveness of some is however handicapped by the fact that one or more Boards of Guardians in the county concerned decline to associate their unions with the work of the committees. The committees are generally purely voluntary bodies, formed by combinations of Boards of Guardians. In three instances the Minister has issued at the request of the constituent unions orders under the Poor Law Act, 1879, establishing in the place of the existing committees statutory joint committees on a more permanent basis. The responsibilities accepted by the committees vary considerably. In some areas they make arrangements with the object of equalising throughout their area the cost of maintaining casuals in casual wards and of affording infirmary treatment to sick casuals, maintaining aged and infirm casuals as ordinary inmates of poor law institutions and maintaining and bringing up children of casuals, the

* The statistical summary is not registered.

rights of whose parents have been assumed by the guardians. In other areas the committees concern themselves with only one or two of these functions. Other committees again confine themselves to discussion and advice. Generally speaking there are strong and efficient committees in the industrial areas, while in the agricultural areas, if they exist, they are less active.

The appended statement shows the average daily number of casuals relieved in each county during the quarters ended the 30th September, 1922, and the 30th September, 1923. Of the 54 counties in England and Wales increases of 20 per cent. or more in the number of casuals relieved in 1923 on the numbers relieved in 1922 are recorded in six cases, and decreases of 20 per cent. or more in two cases. The industrial or mining districts of Derbyshire, Durham, Glamorganshire, Lancashire, Nottinghamshire and Yorkshire (West Riding) show little change, while Middlesex, Northumberland and Staffordshire record a considerable increase. The agricultural counties of Cardiganshire, Carnarvonshire, Dorsetshire, Essex, Flintshire, Huntingdonshire, Montgomeryshire, Norfolk, Surrey and Wiltshire show a substantial increase, but for the counties of Cumberland, Denbighshire, Gloucestershire, Leicestershire, Pembrokeshire, Westmorland, Worcestershire and the North Riding of Yorkshire substantial decreases are recorded. The most notable variations in the average daily admissions for the two years are those of Yorkshire (North Riding) where the numbers fell from 239 in 1922 to 104 in 1923, and Hertfordshire, where they rose from 119 to 191.

The only counties in which there are Boards of Guardians which are reported to have relieved casuals in lodging houses for lack of sufficient casual ward accommodation on any considerable scale are Carmarthen, Cornwall, Durham, Essex, Gloucestershire, Kent, Lancashire, and Lincolnshire. This practice was not by any means general in these counties, but was confined to one or two unions in each county and was due either to the fact that the casual wards were not large enough, or to their being closed and the number of applications so small that the guardians were unwilling to undertake the expense of opening. It must be remembered that during and since the war it has been necessary to restrict expenditure on building for Poor Law purposes. During the past two years there has been an appreciable reduction in the number of cases in which it has been necessary to send casuals to lodging houses.

The casual wards in England and Wales outside the Metropolis if fully occupied would accommodate some 14,000 casuals.* The largest number of casuals relieved in the provinces on the night of any Friday during the period of the survey was 10,099 (relieved on 25th August, 1923). The margin of accommodation which these figures suggest is to a great extent illusory. There are many places where the numbers of casuals requiring relief fluctuate considerably, but wards situated upon the main routes have during the past two years seldom not been full. In spite of the great increase in the number of casuals since 1919, the figures have not reached those for the period 1907 to 1912. While there is some congestion and overcrowding in certain areas, there are other areas where it has not yet been found necessary to re-open all the wards which were closed during the war.

* Accommodation for about 2,000 was not ordinarily in use during the period of the survey.

The condition of the wards generally has been classified under the headings good, medium, and bad. The difficulty of fixing in a matter of this kind a precise standard to which the thirteen general inspectors who furnished the reports should conform, cannot, of course, be entirely overcome, but it does not seem that any serious discrepancy can be attributed to this cause. In the Report of the Departmental Committee on Vagrancy which was published in 1906, it is stated (p. 35): "In England the regulation of houseless persons has from early times been regarded as a police duty, and it appears to have been a mere accident that poor law authorities, whose main duties are in relation to the poor settled in their own neighbourhood, should have been burdened with responsibility for the care of persons travelling from other and often distant districts. As we have already pointed out, the care of the vagrant may be regarded rather as an excrescence on the poor law than an integral part of the system. We have received evidence to the effect that guardians generally would be glad to be relieved of this responsibility. The vagrant is frequently a source of considerable trouble in the administration of the workhouse, and his removal would leave the guardians and their officers a much freer hand in dealing with the ordinary poor."

These considerations have undoubtedly contributed to the wide variations found, in spite of the work of the county committees, in the character of the administration of the wards.

About one-half of the wards were provided with dayrooms. Even where there is no specific provision of a dayroom arrangements can usually be made by guardians and their officers to prevent the inconvenience to casuals which would result, if they had no proper place for meals and leisure, especially when the period of stay includes a Sunday.

Satisfactory baths were found to be provided in about 85 per cent. of the wards. Of the remainder, in some the hot water supply was insufficient or only cold water was available, while in a few instances, there was no bath at all.

In about 80 per cent. of the wards the bathing arrangements as distinct from the baths themselves, were reported to be satisfactory. The bathing of casuals was generally enforced where baths were provided, but in the case of nineteen unions bathing was regarded as optional, while in one union casuals were only exceptionally compelled to have a bath. In only about half the wards was a freshly washed towel provided for each casual, the towels in the other wards being ordinarily washed once a day.

In most of the wards water closets were provided, but in some districts only a conservancy system was available. The supply of conveniences was in a few instances insufficient under both systems.

In about 200 wards rooms were provided for drying the clothing of casuals when admitted in wet weather. In the remainder the clothing was dried in a boiler room or elsewhere.

Arrangements for the disinfection of clothing and blankets were found to be generally made by the provision of steam disinfectors or the use of sulphur candles, etc.

The heating arrangements were of various kinds, the use of hot water or steam pipes, radiators, stoves or open fires being generally reported. In the northern counties all the wards with the exception of one in Lancashire were heated, but towards the south the number of wards without heating arrangements tended to increase. One-

sixth of the wards in Wales, one-fifth of the wards in Hampshire, Hertfordshire and Norfolk, one-fourth of the wards in Cornwall and Sussex, and one-third of the wards in Devonshire and Dorset were reported not to have heating arrangements. Electric light or gas was generally available for lighting the wards, though oil lamps or candles were reported to be used in some instances.

Ordinarily a communication bell was provided for the purpose of calling an officer at night in case of need. In some instances, however, these bells were found not to be in working order. In some cases a permanent inmate of the institution slept within call of the casuals.

The standard of cleanliness of the structure and equipment was found to be satisfactory, with a few exceptions.

There was great diversity as regards sleeping arrangements. In some wards iron bedsteads with mattresses, blankets, sheets, pillows and night shirts were provided, but at the opposite extreme were wards in which the casuals slept on the floor in rugs. In some wards, wooden bunks, plank beds or hammocks were provided. It was, however, reported in several instances that the casuals prefer, in lieu of slinging the hammocks provided, to sleep upon the floor, using the hammocks as bedding.

The provision of night shirts was reported to be becoming more common, especially in the North of England, but many boards of guardians are still disposed to regard night shirts as a luxury.

In the majority of wards provision was made for the cleaning of the casuals' clothing. In some cases the clothing of all casuals was cleaned, in some facilities were placed at the disposal of the casual on request, and in others the matter was left to the officer in charge.

The Casual Poor Act, 1882, and the Regulations contemplate, ordinarily, and subject to a large discretion allowed to the guardians and their officers, that casuals should be detained for one day and two nights, subject to the condition that no casual should be discharged on a Sunday. The survey showed that this discretion was freely exercised in more than two-thirds of the unions in the country. In Dorsetshire, Montgomeryshire, Radnorshire and Rutlandshire no casual was detained two nights.

From 289 wards casuals were not discharged on a Sunday. The counties with the highest proportion of unions refraining from discharging casuals on Sunday were Cornwall, Devon, Essex, Glamorganshire, Gloucestershire, Hertfordshire, Norfolk, Somerset, Staffordshire, Suffolk, Surrey, Sussex, Warwickshire, and Worcestershire. In the counties of Cumberland, Huntingdon, Merioneth, Montgomery, and Shropshire no Board of Guardians appeared to refrain from discharging casuals on Sundays.

The liberal, and in some cases lax use of the discretion vested in the guardians by the Regulations has been one of the matters in relation to which information was specially sought in the present survey. The practice of early discharge is generally defended on the plea that room must be made available for the incoming casuals of the day. This practice, while securing the object of the discharging union and making room for newcomers, obviously makes an additional demand on the accommodation in neighbouring unions, and similarly, if the neighbouring unions did not discharge casuals on the day after arrival, the demands on the first-mentioned union would be diminished. The practice involves in fact a vicious circle, and it is

probable that its general abandonment would not entail overcrowding such as is suggested. The vagrancy committees have made attempts to secure a more uniform interpretation of the Regulations, but the limited area under the control of any particular committee, and the fact that adjacent unions may be freely granting early discharges, make it difficult to secure success.

Casuals are ordinarily required to perform a task of work before their discharge, and the guardians have usually provided a stone-breaking yard or wood-chopping shed. Only a small proportion of wards was not furnished with one or the other. The prescribed tasks for men are stone breaking, oakum picking, digging, pumping or cutting wood.

Thirty-four boards of guardians appeared not to require any task to be performed, and of the remainder only a few required the full regulation task. In some instances only persons known to be habitual vagrants were required to perform a task. The general tendency was for boards of guardians to set the casuals to work of immediate utility, such as wood-chopping, carrying coals, pumping water, digging, and cleaning the wards.

The regulations as to diet appeared to be fairly strictly observed. In a number of unions, however, minor variations had been introduced. Midday meals, which are universally required by the Regulations, were generally provided on the discharge of casuals by the issue of rations or of food tickets. Exceptions were sometimes found where the wards were not technically " open " and the number of casuals received was negligible.

The remarks which have been made above refer primarily to the male vagrants, but the same generalisations are, broadly speaking, applicable to women, though, as might have been expected, the treatment generally afforded to them is less open to criticism. Their numbers are much fewer than those of male casuals, and they are therefore not so liable to the inconveniences caused by overcrowding, and there is a greater tendency to extend amenities to them than to men. Thus bedsteads and mattresses are much more common in their wards than in those provided for men, and facilities for the cleaning of clothes are more generally available for them.

PERSONS IN RECEIPT OF POOR LAW RELIEF.

(ENGLAND AND WALES.)

Return to an Order of the Honourable the House of Commons, dated 29th July, 1924, *for* :

" Copy of a statement of the number of persons in receipt of poor law relief in England and Wales on the night of the 1st day of January, 1924 (in continuation of Parliamentary Paper, No. 121, of 1923)."

This document was issued by the Ministry of Health on 30th July, 1924. Copies are obtainable from usual sources, price 1*s*.

Statement (by Ministry of Health) showing the number of persons in receipt of poor law relief in England and Wales in the quarter ending in March, 1924, with some particulars as to the number of " unemployed " persons in receipt of such relief.

This statement was issued and placed on sale, price 4*d*. net.

* MEMORANDUM BY THE MINISTRY OF HEALTH DATED 20TH FEBRUARY, 1924, ON THE RESCISSION OF THE POPLAR ORDER.

[CMD. 2052.]

1. STATEMENT AS TO THE LEGAL POSITION.

Section 52 of the Poor Law Amendment Act, 1834, gives the Minister of Health, as the successor of the Poor Law Commissioners, a special power of declaring by rules, orders or regulations to what extent and for what period outdoor relief, in money or in kind, or partly in money and partly in kind, may be administered in any particular parish or union, and in what manner such outdoor relief may be afforded. The section also provides that all relief given contrary to such orders or regulations shall be unlawful and shall be disallowed in the accounts of the person giving the same, subject to certain exceptions contained in the provisos to the section. Of these exceptions, the most material one is that contained in the last proviso, which authorises (if otherwise lawful) departures from the orders or regulations in cases of emergency, subject to a report within 15 days of the departure and the grounds thereof to the Minister and to the approval by the Minister of the departure, or in the case of relief given in food, temporary lodging or medicine, subject only to the report of the case to the Minister.

The Relief Regulation (Poplar) Order, 1922, was issued in June, 1922, under the enactment above-mentioned. Briefly, the effect of the Order was to prohibit the guardians of the parish of Poplar from giving outdoor relief to an able-bodied person or to any member of the family of such a person, of such an amount as would raise the weekly income of the applicant, or of the household—

(*a*) beyond the scale prescribed by the Metropolitan Common Poor Fund (Outdoor Relief) Regulations, 1922 (see p. 8 of this memorandum); or

(*b*) beyond a sum less by 10*s*. a week than the standard rate of wages for the time being recommended for workpeople of Grade A under the agreement of the London District Industrial Council for non-trading services (manual labour).

The restriction was based on whichever of the two sums already mentioned was the less.

The Metropolitan Common Poor Fund (Outdoor Relief) Regulations of 1922 were framed under Sect. 1 of the Local Authorities (Financial Provisions) Act, 1921, which provided for the equalisation over London, for a temporary period, of the expenses of guardians in respect of outdoor relief, by means of its repayment from the Metropolitan Common Poor Fund. Sub-sect. (2) of the section forbade the repayment of relief granted in excess of such scale, or in contravention of such conditions as were to be prescribed by regulations of the Minister of Health.

By Sect. 1 of the Local Authorities (Emergency Provisions) Act, 1923, Sect. 1 of the Act of 1921 was continued in force until the

* This work does not purport to deal with the local government of the Metropolis, but this memorandum is inserted in view of the general interest taken in the Poplar case.

1st April, 1924. But paragraph (*b*) of Sect. 1 of the Act of 1923 substituted for sub-sect. (2) of Sect. 1 of the Act of 1921 an enactment providing that the expenses to be repaid from the Common Poor Fund in respect of outdoor relief should be an amount not exceeding 9*d.* for each person in respect of whom outdoor relief is granted, for each day for which such relief is granted in respect of him.

A flat rate of 9*d.* a day was thus substituted for the scale to be prescribed by the Minister under sub-sect. (2) of Sect. 1 of the Act of 1921, and the repeal of that sub-section is held to have revoked *ipso facto* the Metropolitan Common Poor Fund Regulations of 1922, which were issued under the authority of that sub-section.

The rescission of the Relief Regulation (Poplar) Order, 1922, does not remove from the district auditor's review outdoor relief granted by the Poplar Guardians. The general powers of the auditor under Sect. 32 of the Poor Law Amendment Act, 1844, to examine, audit, allow or disallow of accounts, and of items therein, relating to moneys assessed for and applicable to the relief of the poor, and to surcharge any person making or authorising an illegal payment, remains unaffected by the rescission of the Order.

Copies of the Metropolitan Common Poor Fund (Outdoor Relief) Regulations and of the Relief Regulation (Poplar) Order are appended.

2. HISTORICAL SUMMARY.

The following statement of facts, in chronological sequence, will perhaps serve to make the position clearer.

In 1920 and 1921 representations were made to the Ministry of Health to the effect that the poorer parts of the Metropolis were carrying an increasingly heavy financial burden and specific requests were made to the Government to take steps to introduce legislation for the purpose of (1) bringing to an end the stereotyping of the Metropolitan Common Poor Fund which had been adopted during the war period, and (2) making further provision for spreading the charges falling upon the ratepayers over the whole of London.

The Ministry undertook to give these matters careful consideration, but matters were brought to a head by the action of the Poplar Borough Council in refusing to meet the precepts addressed to them by the London County Council and by the Metropolitan Asylums Board and the receiver of the Metropolitan police. Application was made to the Court by the county council and asylums board and a mandamus was granted against the borough councillors. The borough councillors refused to obey the Order and were committed for contempt.

They were subsequently released, and the Government decided not only to abandon the stereotyping of the Metropolitan Common Poor Fund but to approach the local authorities of the richer parts of London with a view to seeing whether some agreement could be reached whereby these authorities would assume a larger share of the rate burden of the Metropolis and a further equalisation of the cost of certain services be effected. As a result of these negotiations, it was agreed that the charge in respect of indoor relief which could be claimed from the Metropolitan Common Poor Fund should be increased from 5*d.* to 1*s.* 3*d.* per head per day and that the cost of outdoor relief should be charged on the Fund within the limits of a

scale and subject to conditions to be prescribed by the Minister of Health.

The effect of this agreement was embodied in the Local Authorities (Financial Provisions) Act, 1921, and, in accordance with the provisions of that Act, regulations containing the prescribed scale and conditions were issued on the 4th February, 1922.

In February, 1922, the Ministry was informed that the guardians anticipated that an overdraft of £146,250 which had been sanctioned in the previous December was likely to be exhausted before the end of the half-year and that the guardians would require a further overdraft to enable them to meet their current expenditure. In view of the serious financial position of the parish, as thus disclosed, the Minister decided that an inquiry should be held into the expenditure of the guardians "with a view to securing, without delay, such economies as are consistent with efficient administration," and he appointed Mr. H. I. Cooper, Clerk to the Guardians of the Bolton Union, as the commissioner to hold the inquiry. Mr. Cooper made his report on the 10th of May, 1923, and the Minister invited the observations of the guardians upon it.

The guardians' reply was not received for some weeks, but meantime they had applied for sanction for a further loan in respect of sums to be subsequently received from the Metropolitan Common Poor Fund. It should be explained that Sect. 3 of the Local Authorities (Financial Provisions) Act, 1921, gave authority to local authorities to borrow, with the consent of the Minister and by way of temporary loans or overdrafts or otherwise, sums temporarily required for current expenses, and provided that the interest on sums borrowed in order to defray expenses ultimately chargeable on the Metropolitan Common Poor Fund should be repaid out of that fund.

On the 14th June, 1922, the guardians sent a reply which the Minister regarded as unsatisfactory, and, after receiving a deputation from the guardians on the 20th June, he decided to issue a Special Order, under the authority of Sect. 52 of the Poor Law Amendment Act, 1834, providing that in the case of the Poplar Union relief which might legally be given to an able-bodied person or any member of his family should not be legal if it exceeded the scale or contravened the conditions laid down in the Regulations of 4th January, 1922.

This Order was issued on 26th June, 1922, and came into force on 1st July, 1922.

A further deputation which was received by the Minister on the 28th June urged that it would be impossible to carry on the administration of relief on the lines of the Order, but undertook that all cases in contravention should be reported for approval with a statement of the grounds, and the Minister then promised that advances should be sanctioned to the extent necessary to enable relief to be administered in accordance with the Order.

The guardians continued to grant relief on the lines previously existing and reported departures from the Order in a very large proportion of their cases. For a week or two, pending the submission and consideration of the guardians' reasons, the departures were allowed, but the Minister, while making concessions as regards cases where the families were unusually large, or the extra relief was for the provision of boots or clothing and in some cases of disability pensions, declined to acquiesce in any general modification of the Order.

The grant of relief in numerous cases in contravention of the Order has continued up to the present month. The last list received was forwarded on 2nd February, 1924, and included 901 cases in which the scale has been exceeded. No further sanction to departures has been given.

Section 1 of the Local Authorities (Financial Provisions) Act, 1921, was to operate only until the end of December, 1922, and on 17th May, 1923, the Local Authorities (Emergency Provisions) Act, 1923, was passed continuing the operation of these provisions until the 1st April, 1924, with certain modifications, the most important being the substitution of a flat rate of 9*d.* per person per day as the amount which might be charged on the Metropolitan Common Poor Fund in respect of out-relief for the conditional scale charges previously authorised.

The scale of relief to able-bodied unemployed persons in Poplar has recently been reduced and is now as follows :—

	per week.	
	s.	*d.*
Adults not living with parents	12	6
Married couples or two adults living together	20	0
Married couples with one child	26	6
,, ,, two children	30	0
,, ,, three ,, ...	33	6
,, ,, four ,, ...	36	6
,, ,, five ,, ...	39	0
,, ,, six ,, ...	41	0

In addition the actual rent is given (limited to 5*s.* in the case of a single furnished room), with a coal allowance of 1*s.* 6*d.* per week. Clothes may also be granted in medical cases and boots in the case of children attending school. In calculating the income of the household the guardians count as income :—

(1) the whole of the unemployment benefit ;
(2) the whole of the parents' earnings ;
(3) any service pension, or any mother's pension in respect of a son or other relative, over 10*s.* ;
(4) any reserve pay ;
(5) a proportion of children's earnings above 15*s.*, varying from 1*s.* where such earnings are under 17*s.* 6*d.* to 12*s.* where the earnings are under 50*s.*, with an addition of 50 per cent. of anything earned over 50*s.*

It should be added that since November, 1921, moneys have been voted by Parliament to enable the Minister to make advances by way of loan to boards of guardians to meet current expenditure in cases where the guardians are unable to do so unaided. Such advances are made on the recommendation of the committee presided over by Sir Harry Goschen. In the particular case of Poplar the committee recommend that advances should be made in anticipation of repayments from the Metropolitan Common Poor Fund which under the machinery of the fund are made over twelve months in arrear. These advances have been restricted to the extent of the outstanding claim of the guardians on the fund and have been made from time to time to an amount not exceeding the estimated legal expenditure of the guardians.

The first advance was made in April, 1922, and the last advance in July, 1923, and the amount of advances outstanding is £506,500.

III.—CASES.

Relief — Illegality — Action for Declaration—Audit after Action Brought — Surcharge — Form of Order.]—A board of guardians deliberately made unlawful payments of poor relief to able-bodied strikers, and when invited by some ratepayers to admit liability and to submit to a surcharge they refused to make any admission, and an action was brought by the A.-G. against the guardians on the relation of ratepayers for a declaration that the payments were unlawful. After action brought the district auditor, on his audit, which the relators attended, surcharged the amounts on some of the guardians. At the trial the defendants admitted the illegality but contended that as the relators had adopted the alternative procedure of asking the auditor to make a surcharge there was no case for a declaration :

HELD—that as the defendants had before action refused to make any admission the action was, at the date of the writ, fully justified, and that the fact of the audit did not affect the form of the order which the court had power to make, but that, as the defendants by their counsel admitted the illegality, the order of the court would be prefaced with a statement of such admission and would be that the defendants must pay the costs of the action.

A.-G. *v.* BERMONDSEY GUARDIANS (1924), 40 T. L. R. 512—Tomlin, J.

Husband and Wife — Wife Leaving Husband Without Sufficient Excuse—Right to Return—Husband's Bonâ Fide *Belief that He had been Relieved from His Common Law Liability—Wilful Refusal to Maintain Wife—Vagrancy Act,* 1824, *s.* 3.]—A fixed and *bonâ fide* belief on the part of a husband that he is not bound to receive or maintain his wife, arising from his own ignorance of the law, is no answer to a charge against him under s. 3 of the Vagrancy Act, 1824, of wilfully refusing and neglecting to maintain her, and the absence of *mens rea* avails him nothing.

Morris v. *Edmonds* (1897), 77 L. T. 56, distinguished.

Jones v. *Newton and Llanidloes Guardians,* [1920] 3 K. B. 381 ; and *Roberts* v. *Regnart* (1921), 126 L. T. 667, applied.

BIGGS *v.* BURRIDGE (1924), 22 L. G. R. 555—Div. Ct.

Able-bodied Men Unwilling to Work — Relief — Illegality.]—The guardians of a poor law union during a strike paid relief to able-bodied men although work was available for them at wages sufficient to support them and their wives and families, and an action was brought by the A.-G. on the relation of certain ratepayers, for a declaration that the payments were unlawful and ought to be disallowed by the auditor of the defendants' accounts :

HELD—(1) that the powers of the auditor did not oust the jurisdiction of the court ; (2) that the principle laid down in *A.-G.* v. *Merthyr Tydvil Union,* [1900] 1 Ch. 516—namely, that if guardians gave outdoor relief to able-bodied men for whom work was available the guardians were doing an illegal act —was applicable generally, whether all the men could or could not have obtained work at a particular time ; (3) that the legislation as to unemployment insurance did not affect the principle, and (4) that, on the evidence, terrorism did not make it impossible for the men to continue work ; and therefore the plaintiff was entitled to the declaration claimed.

A.-G. *v.* POPLAR GUARDIANS (1924), 40 T. L. R. 752—Russell, J.

Proper Objects of Relief—"Able-bodied"—One-armed Man—Able to Work but Unable to Obtain Work—Ability to Support Wife and Family.]—A man who had lost his left arm had been able to support himself and wife and

family, but having lost his employment received unemployment benefit as being physically fit to work but unable to obtain work. When the unemployment benefit ceased he made application to and received relief from the poor law authorities. It was not proved that his inability to obtain work was attributable to the loss of his arm.

HELD (Lord Hunter dissenting)—that the man in question was able-bodied in the sense of the poor law, and consequently was not entitled to relief as a pauper. Opinions *per* the Lord Justice-Clerk, Lord Ormidale, and Lord Anderson (Lord Hunter doubting): that if a man was able to support himself, he was "able-bodied" for the purposes of the poor law, although he might be unable to support his wife and family as well.

MELROSE PARISH COUNCIL *v.* GORDON PARISH COUNCIL, [1924] S. C. 1034; [1924] S. L. T. 737—Ct. of Sess.

Wilful Refusal or Neglect of Person to Maintain Himself and Family—Refusal to Work at Lower than Trade Union Rate of Wages—Vagrancy Act, 1824, *s.* 3.]—On an appeal to quarter sessions by N. against his conviction under s. 3 of the Vagrancy Act, 1824, for wilfully refusing and neglecting to maintain himself and his family whereby he and they became chargeable to the appellant union, it was proved that N. was able to work and was offered suitable work at a weekly wage of £2 6*s.*; that he worked at that wage for several days and then declined to do so any longer, as the rate of pay was less than the current trade union rate—namely, £3 2*s.* 8*d.*; and that in consequence of his refusal to work he was unable to maintain himself and his family, whereby they became chargeable to the appellant union. In his evidence N. stated that he was anxious to earn his own living, and that he was willing to work for £2 6*s.* a week and keep his wife and family, but that he was informed by his trade union that he must not work for less than the trade union rate. Evidence was also given by a trade union official that if N. had continued to work for £2 6*s.* a week he would have been challenged by his union, would have had to give an explanation, and might have been reprimanded or fined or expelled from the union, which expulsion would make it difficult for him to get work in the future. On that evidence quarter sessions were satisfied that N. by continuing to work for £2 6*s.* a week would have been, in the circumstances, losing chances of bettering himself and would have materially hurt his chances of employment in the future; they accordingly quashed the conviction:

HELD—that it was open to quarter sessions on the facts before them and having regard to *Poplar Guardians* v. *Martin* (1904), 68 J. P. 526; [1905] 1 K. B. 728, to come to the conclusion they did.

LEWISHAM UNION GUARDIANS *v.* NICE, [1924] 1 K. B. 618; 93 L. J. K. B. 469; 131 L. T. 22; 88 J. P. 66; 40 T. L. R. 270; 68 Sol. Jo. 520; 27 Cox, C. C. 606; 22 L. G. R. 235—Div. Ct.

Local Authority—Member—Disqualification — Member Shareholder in Company—Company Contracting with Local Authority — Member Voting on Giving a Contract—Member Concerned in or Participating in Profits of Contract — Penalties — Proper Form of Procedure—Action —Writ of Quo Warranto—*Local Government Act*, 1894, *s.* 46 (1), (2) (8).]—Local Government Act, 1894, s. 46 (1), provides that: "A person shall be disqualified for being elected or being a member or chairman of a council of a parish or of a district other than a borough or of a board of guardians if he . . . (*e*) is concerned in any bargain or contract entered into with the council or board, or participates in the profit of any such bargain or contract or of any work done under the authority of the council or board"; (2) "Provided that a person shall not be disqualified for being elected or being a member or chairman of any such council or board by reason of being interested . . . (*c*) in any contract with the council or board

as a shareholder in any joint stock company; but he shall not vote at any meeting of the council or board on any question in which such company are interested . . ."; (8) "if any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding £20." An action was brought by an inhabitant of a parish, who was not a ratepayer, against the chairman of a board of guardians claiming a declaration that he was disqualified under s. 46 (1) (*e*) of the Local Government Act, 1894, because being a servant of a company which had a contract to supply the guardians with milk he was concerned in or participated in the profit of the contract. It was also alleged that the defendant was disqualified under (2) (*c*) because he had voted on the question of the giving of the contract to the company in which he was an employee, and the plaintiff further claimed to recover penalties:

HELD—that the action was not maintainable, as the proper procedure was by an information in the nature of a *quo warranto*. Secondly, that the penalties could not be recovered by action, as the statute provided that the penalties should be recovered in a court of summary jurisdiction, and that remedy alone could be followed. Thirdly, that where a resolution was passed unanimously by a board every member present must be taken to have voted for the resolution, even although the votes were not expressly recorded.

EVERETT *v.* GRIFFITHS, [1924] 1 K. B. 941; 93 L. J. K. B. 583; 131 L. T. 405; 88 J. P. 93; 40 T. L. R. 477; 68 Sol. Jo. 562; 22 L. G. R. 330—McCardie, J.

IV.—DEPARTMENTAL DECISIONS.

Out-Relief to Unemployed as result of Strike.

Out-relief having been given by a board of guardians to able-bodied miners who were out of employment, the district auditor disallowed the amounts and surcharged them upon the guardians authorising, his view being that the payments were illegal. The board of guardians appealed to the Ministry of Health, contending that the men were unable to obtain work, but it appeared that the men had struck work and had the opportunity of returning, though not on terms which were approved by the miners. The auditor's decision was held to be sound and remission of the disallowance and surcharge was refused.

Metropolitan Poor Law Sports.

The Ministry of Health stated that it was competent to London guardians to incur reasonable expenditure, without the sanction of the Department, in connection with the conveyance of children and officers to the annual sports of the Metropolitan Poor Law Schools Association, and in the provision of refreshments.

Poor Law Institutions and Insured Persons.

In the House of Commons on 7th July, 1924, Mr. Varley asked the Minister of Health whether he had any information as to the number of persons who became entitled to benefits under the National Health Insurance Acts whilst inmates of Poor Law institutions; and whether he had considered amending the Act to enable guardians to claim an equitable share of such benefits in respect of the maintenance of the said inmates to whom the benefits became due?

Mr. Wheatley replied: No statistics are available as to the number of cases of the kind referred to. As regards the second part of the question,

I would refer the hon. member to the reply which I gave on 20th February to the hon. member for Shoreditch (Mr. Thurtle).

The reply referred to was as follows :—

" Boards of guardians have the ordinary powers of recovery of expenses incurred in providing treatment in a Poor Law hospital to a person insured under the National Health Insurance Acts, as in the case of all other persons for whom such treatment is provided. I do not think it either necessary or desirable that they should have any additional powers of recovery in the case of insured persons, and I would remind the hon. member that any benefits to which such persons may be entitled under the National Health Insurance Acts are given in return for contributions compulsorily payable by themselves and their employers."

Disposal of Paupers' Bodies.

In the House of Commons, on 9th July, Mr. Penny asked the Minister of Health whether he was aware that his Department had officially approached the Kingston Board of Guardians with a view to making arrangements for that authority to hand over the bodies of dead friendless paupers to the London hospitals for dissection purposes ; in view of the odium which such a step threw upon the guardians, many of whom were averse to the proposal, would he reconsider the whole matter ; and would he say whether similar overtures had been made to other boards of guardians throughout the country ?

Mr. Wheatley replied : Yes, sir, the application to Kingston Guardians was made with my authority, and in this matter I have followed the invariable practice of my predecessors of all parties and of successive Home Secretaries with whom the responsibility under the Anatomy Acts rested prior to the transfer of this duty to the Minister of Health. I recognise the very natural objections which such a proposal must at first sight provoke, but I am satisfied that there is no alternative which would not have disastrous effects on surgical and medical education, and ultimately on the treatment of the sick. The effective teaching of anatomy and operative surgery, which form an essential part of medical education, will become impossible unless the necessary subjects can be made available for practical instruction. If anatomy cannot be taught by the examination of the dead it will have to be learned by experiment on the living ; and except in the case of the comparatively small number of students who could afford to go abroad for their anatomical study, young practitioners would be compelled to acquire by experimenting on their patients the knowledge which it would have been impossible to impart to them in the medical schools. Many other unions throughout the country, including those adjacent to Kingston, are co-operating with the Department in this matter, and I am glad to learn that it is generally recognised by the guardians that the poor would be the first to suffer if medical students could not obtain the necessary teaching without going abroad for it. I would add that the Anatomy Acts contain detailed provisions as to the conditions under which bodies are to be used for this purpose, and these provisions are stringently enforced under the constant supervision of His Majesty's Inspector of Anatomy. All bodies used for this purpose are duly interred within the prescribed period after a religious service appropriate to the denomination to which the deceased belonged, and the place of burial is carefully recorded. It is impracticable to rely for this purpose upon those who voluntarily leave their bodies by will to be used for anatomical teaching, since the number is wholly insufficient. I would add that the reason for seeking the co-operation of the guardians is not the poverty of the persons concerned, but the fact that they have no known or traceable relatives to claim the body for burial, and therefore there is no one to be distressed by the use of the body for purposes which are vitally necessary to the proper teaching of medicine.

PORT SANITARY AUTHORITIES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

See Circular of Ministry of Health dated 8th February, 1924 (inserted under "Children"), as to continuance of State grants for this and other services.

PRIVATE STREETS.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

IMPORTANCE OF ALLOWING A REASONABLE TIME IN NOTICES REQUIRING EXECUTION OF WORKS.

The editors of local government periodicals were requested by the Minister of Health to invite the attention of their readers to the cases of *Bristol Corporation* v. *Sinnott*, [1918] 1 Ch. 62; 87 L. J. Ch. 30; 82 J. P. 9; 117 L. T. 644; 15 L. G. R. 871; and *Ryall* v. *Cubitt Heath*, [1922] 1 K. B. 275; 91 L. J. K. B. 189; 86 J. P. 15; 126 L. T. 359; 20 L. G. R. 56.

Failure to appreciate the principle involved in the decisions of the Courts in these two cases had been responsible for heavy loss to more than one local authority.

The former case was a decision under Sect. 150 of the Public Health Act, 1875, and the latter under Sect. 28 of the Housing, Town Planning, etc. Act, 1919. The effect of the decisions (the Minister continued) may be stated shortly to be (i) that where a local authority are by statute authorised to require the execution of works within a time to be specified in the notice relating thereto, the period so specified must (even if the statute does not use the word "reasonable") be reasonably sufficient to enable the works to be completed, *i.e.* reasonably sufficient, having regard to the nature and extent of the works required and all the surrounding circumstances; and (ii) that, if the period specified is unreasonably short the notice is invalid, and the local authority lose any right which they might otherwise have to recover the expenses incurred by them in carrying out the works.

The principle recognised or established by these decisions is not, of course, restricted to the sections under which they were decided; and Sects. 23, 36, 41, and 62 of the Public Health Act, 1875, may be mentioned as some of the other statutory provisions in connection with which such principle must be borne in mind.

What is a reasonable period to allow is a question of fact in each case to be decided by the justices, or other tribunal, after consideration of all the surrounding circumstances; and it is clearly desirable that an authority in framing their notices should err, if at all, on the safe side.

III.—CASES.

Accommodation Road not Repairable by Inhabitants at Large—Repairs to Obviate Danger to Passengers—Recovery of Expenses Incurred for Works Executed by Local Authority—Right of Adjoining Owner to Dispute his Liability—Jurisdiction of Justices—Public Health Acts Amendment Act, 1907, ss. 7, 19.]—In proceedings before justices under Sect. 19 of the Public Health Acts Amendment Act, 1907, to recover from an adjoining landowner his proportion of expenses incurred by the local authority in the repair of an accommodation road necessary to obviate or remove danger to passengers or vehicles, the landowner may, although he has failed to appeal against the local authority's notice specifying the repairs and has stood by while they were executed, dispute his liability by showing that the works executed were unauthorised by the section in that they involved the obliteration of the old track and substitution therefor of a new road of a different character with new curves at new levels and of a largely increased width.

Eccles v. *Wirrall Rural Sanitary Authority* (1886), 17 Q. B. D. 107, applied.

SHOEBURYNESS U. D. C. *v.* BURGES (1924), 22 L. G. R. 684—Div. Ct.

Private Street Works—Application to Justices under Sect. 8 of the Private Street Works Act, 1892.]—A case of considerable interest and importance to local authorities came before the justices of the Kingston (Surrey) Division last Tuesday under the above Act.

The Maldens and Coombe Urban District Council had made provisional apportionments on the owners and frontagers in certain new streets or parts of streets which the Council proposed to make up and thereafter take over as public highways in pursuance of the Act of 1892.

Mr. R. C. Maxwell, instructed by Messrs. Lawton and Taylor, and by Mr. Johnson, Clerk to the Council, appeared on behalf of the Urban District Council.

Mr. W. P. Kerr and Mr. Simes appeared respectively for various objectors to the provisional apportionments.

The objections raised related to "excessive cost," "unreasonable works," unfairness of applying the apportionment principle to "flank frontages," the proposed use in making up the roads of artificial stone instead of tar paving, the use of granite kerbs measuring 12 inches by 6 inches instead of kerbs of cheaper stone and smaller dimensions, the alleged absence of evidence that the roads needed to be made up at the present time when the cost of doing so was so much in excess of pre-war figures—and other matters.

Counsel on behalf of one of the objectors raised the preliminary point that his client owned no land fronting or abutting on any of the streets proposed to be made up, and that therefore he could not properly be served with a notice of the provisional apportionment. It appeared from the correspondence, and it was admitted in Court, that this objector had conveyed to some person, whose name was not disclosed, a piece of his land measuring *one foot* in width by forty feet in length, such portion of land fronting to or abutting on the end of one of the streets to be made up, which formed a cul-de-sac, the owner of such strip being thus technically liable as a frontager for an apportioned share of the cost of the street works.

It was argued for the objector that he was under no obligation to disclose the name of the person to whom this strip had been conveyed.

Counsel for the Urban District Council, however, pointed out that the notices had been served in this, as in other cases, on the "owners or reputed owners" as required by Sect. 267 of the Public Health Act, 1875, and the Schedule to the Act of 1892, and that this having been done, in the circumstances here

obtaining it became the duty and obligation of the objector to disclose the information required by the Urban District Council as to the person to whom he had conveyed the strip and the date of such conveyance.

The Court accepted this view and dismissed the objector in question from the case on his counsel undertaking that the name of the person to whom the strip of land was conveyed and the date of the conveyance should be disclosed to the Council's representative. The question of apportioning a share of the cost of the street works on the owner of the strip was adjourned. No order as to costs was made in reference to this objection.

The Court thereafter went fully into the grounds of objection raised by the numerous other objectors who were represented at the proceedings, and, after hearing expert evidence on both sides, came to the conclusion that the scheme of street works of the Urban District Council and the provisional apportionments, with the minor exception above indicated, should be confirmed. An order was made accordingly, with £25 costs against the objectors. ("*The Justice of the Peace*," 17*th May*, 1924.)

IV.—DEPARTMENTAL DECISIONS.

Making-up of Half Width.

A rural district council applied to the Ministry of Health for an Order investing them with powers under the Private Street Works Act, 1892, in respect of half the width of a street. The Ministry explained that an Order should relate to the whole width. The use of the term "street" in the Order without qualification would not prejudge the question whether the street or any part thereof was already a highway repairable by the inhabitants at large (*Fenwick* v. *Croydon R.S.A.*, [1891] 2 Q. B. 216). The Order would put the Act in force in the area comprising the street and the rural district council would then have the same powers as if they were an urban district council whose district included the street and could frame their resolution as to the whole or part thereof according to the facts.

Widened Private Street.

An urban council having acquired a strip of land for the widening of a private street asked the Ministry's advice as to the effect of this action upon their powers under Sect. 150 of the Public Health Act, 1875, for enforcing the making up of the street at the cost of the frontagers. The Ministry replied that they were advised that Sect. 150 would still be applicable, but that the council themselves would be liable as owners on one side and that the cost of making up the strip would also fall upon them.

PUBLIC ASSISTANCE.

See "RELIEF."

PUBLIC ADMINISTRATION.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

PUBLIC ADMINISTRATION.

In the course of an interesting paper on the "Appellate Jurisdiction of Central Government Departments," read at the July Conference of Public Administration, held at Oxford, by Mr. F. H. C. Wiltshire (Town Clerk of Birmingham), he expressed the opinion that the emancipation of local authorities from central government control had not corresponded with the advance of the local authorities in status and importance. The central government departments had a far shorter history than the courts, and until the end of the eighteenth century these departments remained "the executive" for the purposes of the comparatively modest activities of those days; but in consequence perhaps of the influence of Jeremy Bentham and others in the early thirties of the last century, they gradually developed and increased, from the passing of the Reform Act in 1832, in importance and in the scope of their activities, until it had now become almost a question whether they had not expanded beyond the sphere which they were originally created to fill. Proceeding, Mr. Wiltshire stated that the political and social importance of Britain's large towns had been compared without disparagement to that of the constitutent States or Provinces of the British Dominions beyond the seas, and certainly in the multiplicity of the responsible duties which they were called upon to perform they outrivalled even the metropolis itself. In his opinion the Housing and Town Planning, etc. Act of 1919 furnished a good example of the devastating effect of over-centralisation in the matter of control. The Act of 1923 certainly did confer far greater freedom of action upon local authorities in the building of houses, but a Bill on this subject now before Parliament, judging from a somewhat cursory examination, would appear to indicate a restoration of central government control. Urging that the central departments of State would be relieved of an immense amount of work, which would have the result of facilitating generally the local government of the country, Mr. Wiltshire expressed the view that the time had not yet arrived for regional parliaments: "It is a matter for argument as to whether it ever should; but at any rate that time could be considerably postponed—in my opinion—if local authorities were entrusted with greater executive powers without central control in matters of local government."

Mr. I. E. Gibbon, C.B.E., D.Sc. (Assistant Secretary, Ministry of Health), submitted a paper on "Appellate Jurisdiction, Administrative and Judicial." In judicial matters the standard was generally set down definitely in the law, and it was the duty of the courts to ascertain the facts and to apply that standard in accordance with settled legal principles. The law, for instance, laid down definitely what constituted theft or what gave the right to a divorce. In administrative matters, on the other hand, discretion was left to the administering authority, subject to the limitations prescribed in the law. In Mr. Gibbon's view it was a cautious, and, on the

whole, a very salutary, practice of the English law frequently to give a right of appeal to persons individually affected by the acts of a public authority. Thus, even in the case of an ordinary nuisance, when a person refused to abate it of his own accord on the demand of the local authority, action in default could be taken only on an order of a court of summary jurisdiction; and, while the courts could not enter into the merits of such a case unless this was so provided in the statute, their jurisdiction was not, even in these cases, purely ministerial. Thus, in a recent case which came before the courts, it was pleaded on behalf of the owner that, whatever might be the merits or demerits of the case for requiring the repairs, the time which had been given to the owner to carry them out of his own accord was indequate; the court supported this plea, with the result that decision was given against the local authority and they were not enabled to recover the cost of the repairs. The right of appeal was a safeguard; the general sanity of our administration secures that the proportion of appeals to the number of cases dealt with by public authorities was very small indeed. The appeal which was provided was often to the justices, with a further appeal to quarter sessions; but in many cases the appeal was to a central government department. It must be remembered that, before the sweeping reforms of the last century, the justices constituted the principal local government bodies of the country; and it was at least arguable that the prominent part which they still played in local administration was due largely to that fact.

Dealing with the procedure of central departments, Mr. Gibbon stated that in cases of appeals it was usual for the department concerned to direct an inspector with special knowledge and experience to hold an inquiry in the locality at which he heard all sides and gave full opportunity for all interested persons to make representations. The inspector also made his own personal investigations by an actual inspection of the subject of the inquiry. It was not likely that the class of cases in which appeals were allowed would diminish. The dominion of local government was constantly being extended and was reaching into still more intimate concerns of life, where there was all the stronger reason for the right of appeal.

PUBLIC LIBRARIES.

See "Libraries."

RAILWAYS.

See "Bye-Laws"; "Fires"; "Highways"; "Rates"; "Tramways."

RATES AND RATING.

See also "WATER SUPPLY."

I.—STATUTES.

See under "Act of Parliament" as to the continuance of the Agricultural Rates Act, 1896, by the Expiring Laws Continuance Act, 1924.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 475.

TO ASSESSMENT COMMITTEES.

MINISTRY OF HEALTH,
7th February, 1924.

RAILWAY ASSESSMENTS.

SIR,—I am directed by the Minister of Health to advert to the circular letters to assessment committees dated the 1st February, 1922, and the 26th January, 1923 (Circulars 283 and 330), with reference to the scheme arranged between the National Conference of Assessment Committees and the Railway Companies in England and Wales for the assessment of running lines and stations and other premises essential to the running lines for the three years 1921/22 to 1923/24.

As the assessment committee are no doubt aware, a communication was sent in June last from this Department to the National Conference of Assessment Committees as to the necessity for some further temporary arrangement to cover the period between 31st March, 1924, when the present agreement expires, and the coming into operation of some permanent scheme for the valuation of the undertakings of the new railway groups formed in pursuance of the Railways Act of 1921. Copies of this communication were at the same time sent to the County Councils Association and the Association of Municipal Corporations.

The Minister understands that since the date of these letters the National Conference have been in consultation with the County Councils Association and the Association of Municipal Corporations, and that as a result of these conferences it has been found possible to put before the railway companies certain proposals on which the representatives of the three bodies were agreed, and which have been accepted by the representatives of the railway companies as a basis for the revision of their assessments.

The Minister is glad to learn that the negotiations have resulted in an arrangement which, it is believed, will be generally acceptable. He understands that the National Conference are communicating with assessment committees as to the details of the arrangements

made for giving effect to the agreement concluded with the railway companies and as to the contributions required to defray the expenditure incurred or to be incurred in the matter, and in order to prevent any difficulty at the audit he hereby sanctions under the Local Authorities (Expenses) Act, 1887, the payment by Boards of Guardians and other bodies concerned of contributions towards such expenditure. The contributions sanctioned by the circular of 26th January, 1923, were at the rate of 1*s.* per £100 of the rateable value of the railway undertakings in the union, with a minimum payment of three guineas. The Minister understands that under the new arrangement it is considered necessary to provide for the appointment of accountants whose duty it will be to satisfy themselves of the accuracy of the figures supplied by the railway companies. Owing to this and other special circumstances it is anticipated that the expenditure during the coming year will be somewhat higher than during the present year and the Minister accordingly agrees that the contributions hereby sanctioned may be at the rate of 1*s.* 3*d.* per £100 of the rateable value of the railway undertakings in the union, with a minimum payment of £4.

* * * * * *

I am, etc.

STATEMENT SHOWING THE RATE MONEYS AND OTHER MONEYS EXPENDED AND RECEIVED, DURING THE FINANCIAL YEAR ENDED 31ST MARCH, 1922, BY BOARDS OF GUARDIANS AND OTHER LOCAL AUTHORITIES (INCLUDING THE MANAGERS OF THE METROPOLITAN ASYLUM DISTRICT) CHARGED WITH THE ADMINISTRATION OF THE LAWS RELATING TO THE RELIEF OF THE POOR IN ENGLAND AND WALES, AND THE AMOUNTS OF THE OUTSTANDING LOAN DEBTS OF THOSE AUTHORITIES AT THE END OF THAT YEAR, WITH CERTAIN RELEVANT PARTICULARS.

(Part I. of the Annual Local Taxation Returns, England and Wales, 1921–22.)

This document was issued by the Ministry of Health during the year, and was placed on sale, price 3*s.* 6*d.* net.

III.—CASES.

Woolwich—General District Rate—Land Covered with Water—Partial Exemption Granted by Public Health Act, 1875—*Continuation of Exemption—Dock coming into Existence after* 1901—*London Government Act*, 1899, *ss.* 10 (1), 19 (1)—*London (Rating) Scheme*, 1901, *Clauses* 2, 6.]—Before the coming into operation of the London Government Act, 1899, a general district rate was levied under the Public Health Act, 1875, in the parish of Woolwich, and under the said Act docks situate in the said parish, so far as they consisted of land covered with water, were assessable to the general district rate upon one-fourth part only of the net annual value thereof. By the London Government Act, 1899, and the schemes made thereunder, the expenses of the metropolitan borough councils were defrayed out of a general rate, and Woolwich was placed under the general law applying to metro-

politan boroughs, and the rating sections of the Public Health Act, 1875, so far as they applied to Woolwich, were repealed as from 1st April, 1901, the date of the coming into operation of the London Government Act, 1899, for rating purposes; but by clause 2 of the London (Rating) Scheme, 1901, effect was to be given "to any exemption from any existing rate," and by clause 6 "existing rate" was defined as meaning any rate leviable in a metropolitan borough before 1st April, 1901:

HELD (by Viscount Cave, Viscount Finlay, Lord Atkinson and Lord Sumner; Lord Wrenbury dissenting)—that the partial exemption under the Public Health Act, 1875, in respect of land covered with water in the parish of Woolwich did not apply to a dock coming into existence after the commencement of the London Government Act, 1899.

Dictum of Channell, J., in *London and India Docks Co.* v. *Borough of Woolwich*, [1902] 1 K. B. 750, 759, approved.

Decision of the C. A. (*see* Yearly Digest, 1923, cols. 254, 255) affirmed.

PORT OF LONDON AUTHORITY *v.* WOOLWICH CORPN., [1924] A. C. 936; 93 L. J. K. B. 1041; 88 J. P. 169; 22 L. G. R. 591; 158 L. T. Jo. 86—H. L.

Reconstruction of premises—Rateable Occupation.]—The respondents became the owners of certain premises in the borough of Hackney adjoining their fever hospital, for the purpose of an extension thereof, in March, 1921. The new premises were not used nor were the respondents rated in respect of them before September, 1921. From September, 1921, to March, 1922, the premises were used as an extension of the fever hospital for the reception and treatment of patients. During March, 1922, the patients were removed and also the furniture, etc., of the premises, in which the respondents intended to make substantial structural alterations to render them more fit for use as a hospital, and they were not subsequently used for patients till after the completion of the work. On 1st April, 1922, the appellants made a rate for the borough. The premises were in the hands of contractors from May to October, 1922.

HELD—that during the reconstruction the respondents were in rateable occupation of the premises.

HACKNEY METROPOLITAN BOROUGH COUNCIL *v.* METROPOLITAN ASYLUMS BOARD, 88 J. P. 129; 40 T. L. R. 645; 22 L. G. R. 397.

Government Property — Contribution in lieu of Rates—Annual Value—Provisional Valuation List—No Gross Estimated Rental—Validity — Union Assessment Committee Act, 1862, *s.* 30—*Valuation (Metropolis) Act*, 1869, *s.* 47.]—The assessment committee of the parish of the City of London in the year 1923 received notice from the Treasury valuer that he had assessed the annual value of certain premises occupied for public purposes by the Postmaster-General at £568, for the purpose of the Government contribution in lieu of rates. The existing gross estimated rental of the premises was £282 and rateable value £235. For the purpose of complying with Sect. 30 of the Union Assessment Committee Act, 1862, the assessment committee made what purported to be a provisional valuation list under Sect. 47 of the Valuation (Metropolis) Act, 1869, in which the figure of £568 was included as the rateable value, the gross being left blank.

HELD—that this document was not a provisional valuation list (*a*) because the Valuation (Metropolis) Act, 1869, Sect. 47, requires that a provisional valuation list shall contain both gross and rateable values, and (*b*) because the overseers and assessment committee had not applied their minds to the ascertainment of the true gross estimated rental from which the rateable value is to be derived by making the proper deductions: but had simply adopted the figure fixed by the Treasury valuer for the annual value.

Semble (*per* Lord Hewart, C.J.). —The annual value fixed by the Treasury valuer may be included in the valuation list by a suitable note thereon, and a provisional list is not essential.

R. *v.* CITY OF LONDON ASSESSMENT COMMITTEE, *Ex p.* LOVELL (1924), 88 J. P. 201; 41 T. L. R. 92; 22 L. G. R. 782; 158 L. T. Jo. 410—Div. Ct.

Land Subject to Tithe Rentcharge — Redemption — Revaluation — Method.]—Under an Order of the Minister of Agriculture and Fisheries, made pursuant to the Tithe Acts, 1836 to 1918, the tithe rentcharges issuing out of certain lands in a parish were redeemed in consideration of an annuity paid by the landowner for the term of forty years. Thereupon the overseers of the parish made a supplemental valuation list increasing the gross estimated rental and rateable value of the land and reducing the assessments of the tithe rentcharges affected by the redemption by amounts equal to the amount by which the gross estimated rental of the land was increased:

HELD—that the lands could not be revalued by this simple process and that the rule laid down by Sect. 1 of the Parochial Assessments Act, 1836, for ascertaining the rateable value must again be applied.

TWITCHIN *v.* ALTON UNION (1924), 22 L. G. R. 482—Div. Ct.

Proceedings—Appeal to Quarter Sessions—Jurisdiction—Conditions Precedent — Notice of Appeal — Notice of Objection to Valuation List — Local Act — Union Assessment Committee Act, 1862, *ss.* 22, 45—*Union Assessment Committee Amendment Act*, 1864, *s.* 1.]—By a local Act of 1824, for the maintenance of the poor in a parochial area, an incorporation of the guardians was formed, and provision was made for the levying of rates, and for an appeal to quarter sessions against any rate on fourteen days' notice to the incorporation. By an order of the Local Government Board made in 1898 it was provided that the incorporation should be included in the Union Assessment Acts, 1862 to 1880, and thereupon under these Acts an Assessment Committee of the incorporation was appointed, and valuation lists were from time to time made for the parish and approved by the Assessment Committee. In April, 1922, a rate was made for the parish under the local Act of 1824, which in fact conformed to the valuation list then in force. A ratepayer having appealed to quarter sessions against the rate:

HELD—that (1) it was a condition precedent to the jurisdiction of the court of quarter sessions to entertain the appeal that the appellant should have given twenty-one days' notice of appeal to the Assessment Committee under Sect. 1 of the Union Assessment Committee Amendment Act, 1864, and that fourteen days' notice under the local Act was not sufficient; although (2) it was not a condition precedent to that jurisdiction that the appellant should have given to the Assessment Committee notice of objection against the valuation list under the proviso to that section.

R. *v.* RECORDER OF KINGSTON-UPON-HULL, EX P. GUARDIANS OF KINGSTON-UPON-HULL, [1924] 1 K. B. 630; 93 L. J. K. B. 514; 22 L. G. R. 168—Div. Ct.

Rating Owner instead of Occupier — Rent Collectors — Wrong Name in Rate-book — Estoppel — Distress Warrant—Poor Rate Assessment and Collection Act, 1869, *ss.* 4, 20.]—

PIGG *v.* TOW LAW OVERSEERS (WEARDALE UNION) (1923), 22 L. G. R. 17—Div. Ct.

Objection to Valuation List—Appeal to Quarter Sessions—Notice of Objection to Assessment Committee —Grounds of Objection—Sufficiency of—Union Assessment Committee Act, 1862, *s.* 18—*Power of Quarter Sessions to Adjourn Appeal—Poor Relief Act*, 1743, *s.* 4.]—By Sect. 1 of the Union Assessment Committee Act, 1864, it is a condition precedent to the right of a ratepayer to

appeal to quarter sessions against a rate made in conformity with the valuation list that he shall give notice to the assessment committee of his objection to the list in the manner prescribed by the Union Assessment Committee Act, 1862, and by Sect. 18 of that Act a ratepayer who "feels himself aggrieved by any valuation list on the ground of unfairness of incorrectness in the valuation" is required to give the Assessment Committee "a notice in writing of his objection specifying the grounds thereof":

HELD—that a notice that the ratepayer objects to the valuation on the ground of unfairness or incorrectness without specifying the reasons why it is unfair or incorrect is a good notice for the purposes of Sect. 18, and on the hearing of an appeal he may urge any reason he pleases why it should be considered unfair or incorrect, unless he has intimated to the Assessment Committee that notwithstanding the general terms of his notice he only intends to object that it is unfair or incorrect for some specific reason, in which case he will be confined to the reason so specified. A colliery company gave notice to the Assessment Committee that they objected to the valuation list on the ground that the rateable value of their colliery appearing therein was unfair and incorrect, but they raised no objection in the notice to the gross value. On the hearing of an appeal:

HELD—that the appellants were entitled to support their appeal on the ground that insufficient statutory deductions for repairs, insurance, etc., had been made from the gross value for the purpose of arriving at the rateable value. Where a ratepayer appeals to quarter sessions under the Poor Relief Act, 1743, against an assessment, but fails to give to the (Assessment Committee) the reasonable notice required by Sect. 4 of that Act, and the justices in consequence adjourn the appeal to the next quarter sessions, they are not bound to hear the appeal at the sessions to which it is so adjourned, notwithstanding that the section says that "they shall . . . then and there finally hear and determine the same," but may in the exercise of their inherent common law power further adjourn the appeal to succeeding sessions.

REDHEUGH COLLIERY, LTD. *v.* GATESHEAD ASSESSMENT COMMITTEE, [1924] 1 K. B. 369; 93 L. J. K. B. 499; 130 L. T. 366; 88 J. P. 25; 40 T. L. R. 169; 68 Sol. Jo. 341; 22 L. G. R. 70—C. A.

NOTE:—Revd. by H. L., December 17th, 1924, 88 J. P. Jo. 780; 94 L. J. K. B. 258.

Rating of a Racecourse.]—An appeal of considerable interest to racecourse companies and assessment committees was heard on the 9th instant at the West Riding Quarter Sessions.

The appellants (represented by Mr. Joshua Scholefield, K.C., and Mr. R. A. Shepherd) were the Pontefract Park Racecourse Co., Ltd., and the respondents (represented by Mr. G. F. L. Mortimer, K.C., and Mr. J. A. Greene) were the Pontefract Union Assessment Committee.

The appeal was against a rate made in April, 1923, based on an assessment of the racecourse and stands at £8,500 gross and £6,778 rateable. The facts were as follows:—

In May, 1915, the Pontefract Corporation, the owners of the racecourse, entered into an agreement with Sir Loftus (then Colonel) Bates, acting on behalf of the racecourse company, then in course of formation, whereby it was agreed to grant a lease to the racecourse company on the terms following:

The company to be at liberty to hold races under the Jockey Club rules; term of lease, twenty-one years; the rent to be a sum of money equal to one-eighth of the company's receipts other than subscriptions or donations, stakes or prizes, fees paid for entering races; fines or forfeits; surplus money from sales of horses in selling races; the race company to spend not less than £15,000 in the erection of new race stands; the company to devote to stakes and purely racing pur-

poses (salaries of handicappers, clerk of the course, clerk of the scales, judge, starter and expenses of advertising), three-eighths of the receipts and all subscriptions and donations, stakes and prizes, fees for entries, fines and forfeits and surplus moneys from sales of horses in selling races; the remaining four-eighths of receipts to be applied in paying other expenses and debts of the company and dividends and interest on shares and loan capital, and making provision for a reserve fund and a sinking fund. Nothing was done under this agreement owing to the War until 1919, when the lease was executed. Under it the company were required to erect new buildings forthwith, and pending their erection the company were allowed to carry on racing, but it was stipulated that until the new buildings were completed one-fourth of the receipts should be paid as rent. It was explained by the secretary that the company whilst carrying on with the old buildings were able to pay more rent because there would be no contributions to a sinking fund, no interest on the full capital, and the expenses would be much less. By the lease the company were allowed to increase their capital (previously fixed at £20,000) to £25,000.

The lease provided that the company should keep the buildings in repair and that at the end of the lease the buildings should become the property of the Corporation. The new buildings cost £65,000 as the result of the high prices prevailing in 1920 and 1921. The capital of the company was increased by the consent of the Corporation to £60,000.

The new buildings were completed in April, 1922. Dividends of 10 per cent. were paid on portions of the capital up to 1922. In 1923 5 per cent. free of tax. In the year in which the rate was made there was nothing whereout to pay a dividend. The balance sheet showed a profit of about £400. The company had never been able to pay anything into the reserve fund or sinking fund; they paid no directors' fees during the year in question, and had overdrawn their banking account by over £20,000.

Mr. Scholefield pointed out that the rateable value was double the one-eighth of the receipts agreed to be paid as rent, and said that the view of the assessment committee was that they were justified in adopting double the rent because in addition to the company agreeing to pay one-eighth of the receipts, they had agreed to spend a large sum of money, the interest on which must be regarded as additional rent, but he, Mr. Scholefield, contended that this was a mistaken view for the reason following, namely: What the company had agreed to pay was one-eighth and such a further sum as would be properly represented by an expenditure of £15,000; that they had, under pressure from the Jockey Club, pushed on with the new building at a time of inflated prices, and had spent £50,000 over and above the £15,000 agreed upon, and the correct way of viewing the matter was that the annual sum of money which would properly represent this additional large expenditure should be deducted from the amount agreed to be paid under different expectations, and that the result would give the true rent. He argued, however, that this was a case in which the real question for determination was what would a hypothetical tenant now give for the racecourse, and he called witnesses who said that on the balance sheets if an allowance of 20 per cent. on gross receipts was allowed for the tenant's share, this in their view being a reasonable share, a figure approximating to £2,000 should be the rateable value.

Mr. Mortimer, on the other hand, argued that the rateable value fixed by the assessment committee was quite justified both upon the ground which it was suggested was adopted by the assessment committee, and also upon the ground that the figures in the balance sheets justified it if the tenant's share was, as it was contended it should be, limited to 17½ per cent. on tenant's capital, the tenant's capital being, not what this company had expended on new build-

ings, but the capital that was necessary for running the races, which was about £10,000.

The Court allowed the appeal with costs and reduced the gross to £5,000 and the rateable value to £3,750.—(" *The Justice of the Peace*," 19*th April*, 1924.)

IV.—DEPARTMENTAL DECISIONS.

Statement of Rates Act.

The Minister of Health was asked in the House of Commons at the end of 1923, whether and what steps were being taken to secure that the provisions of the Statement of Rates Act, 1919, were adequately observed, so that weekly tenants might be informed of the amount of compounded rates included in their rent; and whether there had been any complaints of or prosecutions for non-observance of the Act.

The reply was: The Act imposes a penalty for non-compliance with its provisions, but does not make it the duty of any person or authority to take steps to secure that those provisions are observed. I have received a few complaints in the matter, but have no information as regards prosecutions under the Act.

RECREATION GROUNDS.

See "COMMONS."

REFUSE REMOVAL.

See also "ACCOUNTS"; "CESSPOOLS."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

THE COST OF MUNICIPAL CLEANSING.

At the annual conference of the Institute of Cleansing Superintendents, held at Margate on 17th, 18th June, Mr. J. C. Dawes, O.B.E., M.I.Mech.E., Inspector of Cleansing to the Ministry of Health, stated that street cleansing cost about £4,500,000 per annum, and the collection and disposal of house and trade refuse involved an annual expenditure of some £7,500,000, all of which was raised by local rates. The amount of solid waste produced annually in England and Wales was about 10,500,000 tons, plus a comparatively small amount of trade refuse approximately averaging 5 per cent. of the total collection, or 500,000 tons; this service was often separately paid for by the party receiving the service. The service of refuse collection regularly required about 8,000 horses, nearly 2,000 motors, and perhaps 34,000 men. From these figures it would be observed that more than one-half of the work was still done by horse labour, and this might cause some surprise. The explanation probably lay in the fact that there were more short hauls than long ones.

The first duty of a cleansing officer, said Mr. Dawes, was to

cleanse efficiently; his second function was to dispose effectively at a proper cost; and his third was to utilise where it was practicable, sanitary, and profitable so to do. We had passed the stage when utilisable materials could be wasted with impunity, but utilisation work, if it was to be profitable to a local authority, was not a spare-time job.

IV.—DEPARTMENTAL DECISIONS.

School Refuse.

The Ministry of Health held that school refuse was "house refuse" within the meaning of Sect. 42 of the Public Health Act, 1875.

Control of Litter.

In the House of Commons, on the 16th July, 1924, Sir W. de Frece asked the Minister of Health the policy of his Department with regard to applications by municipal authorities for special powers to deal with the control of litter, and more especially in the direction of distribution of handbills which are thrown away by pedestrians; whether any municipal authorities had asked for special powers in this direction recently; if so, with what results; and whether, in view of the increase of the nuisance of uncontrolled litter, he would give local authorities greater powers than they possess at present if and when they ask for them by private legislation?

The Secretary of State for the Home Department (Mr. Arthur Henderson): I have been asked to take this question. Bye-laws for the prevention of litter can be made under the Municipal Corporations Act, 1882, and bye-laws have been made by numerous local authorities dealing with various aspects of the matter, including the distribution of handbills. One or two local authorities have applied to Parliament this session for special powers. The Bills are still before Parliament, with whom and not with me rests the decision whether the powers shall be granted.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

IV.—DEPARTMENTAL DECISIONS.

Removal of Register Office from one part of Registration District to another.

The Ministry wrote to an urban district council, in reply to their proposal for the removal of the Register Office to another locality, stating that the question appeared to be essentially one of which, in accordance with the principle underlying local government, the decision ought to rest primarily with the electors of the union.

Remuneration of Registrars.

In the House of Commons on 20th February, 1924, Mr. Pielou asked the Minister of Health if his attention had been drawn to the inadequate remuneration of registrars of births, deaths, and marriages; and if so, did he propose to introduce legislation altering the present position during the Session?

Mr. Wheatley replied: The answer to the first part of the question is in the affirmative. As regards the second part, I have the question of the reconstruction of the registration service under consideration, but I regret that at present I cannot hold out any hope that it will be possible to introduce legislation dealing with the matter in the present Session.

REGISTRATION OF ELECTORS.

See "ELECTORS."

RELIEF.

See also "POOR LAW."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

ADMINISTRATION OF PUBLIC ASSISTANCE.

DEPARTMENTAL COMMITTEE'S REPORT.

A report was issued on 22nd January, 1924, of the Inter-Departmental Committee appointed "to examine the existing arrangements for the grant of assistance on account of sickness, unemployment, and destitution, from public funds, and from the contributory schemes of health and unemployment insurance, with a view to securing the fullest co-ordination of administrative and executive action."

The committee confined itself to an investigation of possible defects in the working of the machinery of various schemes of social service, remediable by administrative or executive action. It reached the broad conclusion that the "gaps" for the most part were not administrative "gaps" capable of being dealt with by administrative actions, but were inherent in the statutory character of the services themselves. The committee found that "there is, generally speaking, little or no ground for the view that the administrative arrangements of the several services do not carry out the intentions of Parliament, or that persons are not receiving the assistance contemplated by statute." It discovered cases, however, where there was a danger that failure of co-ordination might produce a "gap," and it made suggestions for meeting this danger. One of the most important general findings on this aspect was a recommendation that the central and local authorities concerned should promote the formation by voluntary effort, in areas for which such an organisation appeared to be desirable, of local councils of social service, constituted on certain suggested lines.

Copies of the Report are obtainable from usual sources for a few pence.

RENT CONTROL.

See "HOUSING."

RIVERS.

I.—STATUTES.

THE THAMES CONSERVANCY ACT, 1924. 14 & 15 Geo. 5, c. lxiv.

Some of the provisions of this Act are of considerable importance to local authorities in the basin of the Thames. Thus :—

11.—(1) If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely :—

* * * * * *

(*b*) Wilfully causes or knowingly suffers any oil or tar to flow or pass into the river or into any tributary ;

he shall for every such offence be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds :

Provided that a local authority using oil or tar in the construction maintenance or repair of a highway shall not be deemed to have committed an offence against paragraph (*b*) of this sub-section by reason of such oil or tar flowing or passing into the river or into any tributary so long as such local authority use all reasonable means to prevent such oil or tar flowing or passing as aforesaid.

* * * * * *

13. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely :—

(*a*) Opens into the river or into any tributary any sewer drain pipe or channel whereby sewage or any offensive or injurious matter whether solid or fluid shall or is likely to flow or pass into the river or into such tributary ;

(*b*) Wilfully causes or knowingly suffers any sewage or any offensive or injurious matter whether solid or fluid to flow or pass into the river or into any tributary ;

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds :

Provided that this section shall not extend to or be deemed to prevent the opening into the river or into any tributary of any sewer drain pipe or channel connecting with any works constructed by a local authority after the commencement of this Act with the approval of the Ministry of Health for the purpose of the purification of sewage but nothing herein contained shall authorise the flow or passage of any offensive or injurious matter into the river or into any tributary from any such sewer drain pipe or channel :

Provided further that paragraph (*b*) of this section shall not apply to any such sewage or matter so flowing or passing into the

river or into any tributary down or through any sewer drain pipe or channel which on the seventeenth day of August one thousand eight hundred and ninety-four was lawfully used for that purpose.

14.—(1) Whenever any sewage or any offensive or injurious matter whether solid or fluid is caused or suffered to flow or pass into the river or into any tributary the Conservators may and as regards the flow or passage of sewage or matter aforesaid into any tributary not being a tributary within the meaning of section 90 of the Act of 1894 shall give notice in writing to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in such notice but not being less than three months to discontinue such flow or passage.

(2) The Conservators may if they think fit at any time and from time to time extend the time specified in such notice by another notice in writing.

(3) If any person to whom any such notice is given thinks himself aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may not later than one month before the expiration of the time so allowed by writing delivered to the secretary demand an extension of such time and in case the Conservators refuse to comply with such demand the question of such extension shall be referred to an arbitrator (to be appointed by agreement or failing agreement by the Minister of Health on the application of either party) who shall have power to extend the time so allowed.

* * * * * *

15. Where any sewage or any offensive or injurious matter whether solid or fluid flows or passes into the river or into any tributary after passing through or along any sewer drain pipe or channel which is vested in a sanitary authority the sanitary authority shall be deemed knowingly to suffer the sewage or matter aforesaid to flow or pass :

Provided that no liability shall attach to any sanitary authority under or by virtue of this section if the sanitary authority has taken or is taking all practical means to prevent the sewage or matter flowing or passing into the river or into any tributary or to procure the conviction of the actual offender.

16. On complaint being made to the Minister of Health by the Conservators that any sanitary authority within any part of the catchment area which is liable to floods has failed to exercise or perform the powers or duties conferred or imposed upon such authority with regard to the cleansing of earth-closets privies ashpits or cesspools for any part of the district of such authority situate within such part of the catchment area the Minister of Health on being satisfied that there is a reasonable ground of complaint (regard being had to maintaining and preserving the purity of the water in the river or in any tributary) shall call upon the sanitary authority

against whom the complaint is made for an explanation and if the said authority shall not within such time as the said Minister may fix give an explanation which in the opinion of the said Minister is sufficient to remedy the cause of complaint the said Minister may make such order upon the said authority as in his opinion the circumstances require and such order shall be binding upon the said authority and shall be enforceable by action at the suit of the said Minister or of the Conservators.

The said Minister may in any case in which he may think fit so to do hold a local inquiry for the purposes of this section and the provisions of section 72 (Provisions as to local inquiries) of the Local Government Act 1894 shall apply to any local inquiry so held as if the said Minister were referred to therein in lieu of the Local Government Board and as if in subsection (2) thereof the words " five guineas " had been inserted in lieu of the words " three guineas."

* * * * * *

PAYMENTS BY WATER BOARD AND WATER COMPANIES.

26. As from the commencement of this Act the Water Board shall in each year to and including the year one thousand nine hundred and forty-one and thereafter so long as the average daily quantity of water from the Thames taken diverted or impounded by the Water Board shall not exceed three hundred million gallons pay to the Conservators the annual sum of ninety thousand pounds by equal quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year.

27. As from the commencement of this Act the South West Suburban Company shall on the thirtieth day of June and the thirty-first day of December in every year pay to the Conservators for water taken by the said company from the Thames the sums following (that is to say) :—

If the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first day of December shall not exceed the average quantity of one million five hundred thousand gallons per day the sum of two hundred and fifty pounds ;

If the water so taken during any such half-year shall be in excess of the average daily quantity of one million five hundred thousand gallons but less than two million gallons the sum of three hundred and fifty pounds ;

and so on with the addition of one hundred pounds for every additional average daily quantity of five hundred thousand gallons or part thereof.

28.—(1) As from the commencement of this Act the West Surrey Company shall so long as the average daily quantity of water taken by the said company from the Thames in any year shall not exceed one million five hundred thousand gallons pay to the Conservators

the annual sum of three hundred pounds by equal half-yearly payments on the thirtieth day of June and the thirty-first day of December in every year.

(2) If the West Surrey Company in any year take from the Thames a quantity of water exceeding an average daily quantity of one million five hundred thousand gallons the amount of the said company's annual payment shall in that year and thereafter be increased by the addition of one hundred pounds for every additional average daily quantity of five hundred thousand gallons or part thereof so taken as aforesaid.

29.—(1) So long but so long only as the Woking Company are entitled to abstract water from the Thames the said company shall pay to the Conservators on the thirty-first day of December in each year the sum of one hundred and fifty pounds such payment to be deemed to be in respect of the average daily abstraction during the preceding twelve months of a quantity of water not exceeding two hundred and fifty thousand gallons and to be payable whether such quantity of water or any part thereof be abstracted or not.

(2) If in any half-year ending on the thirtieth day of June or the thirty-first day of December the average daily quantity of water taken by the Woking Company from the Thames in such half-year shall exceed two hundred and fifty thousand gallons but shall not exceed five hundred thousand gallons the Woking Company shall pay to the Conservators on such thirtieth day of June or thirty-first day of December (as the case may be) or within one month thereafter the sum of one hundred and fifty pounds for such half-year such payment to be in substitution for and not in addition to the payment mentioned in subsection (1) of this section.

(3) If in any half-year ending on the thirtieth day of June or the thirty-first day of December the average daily quantity of water taken by the Woking Company from the Thames in such half-year shall exceed five hundred thousand but shall not exceed one million gallons the Woking Company shall pay to the Conservators on such thirtieth day of June or thirty-first day of December (as the case may be) or within one month thereafter the sum of three hundred pounds for such half-year such payment to be in substitution for and not in addition to the payment mentioned in subsections (1) and (2) of this section.

(4) If in any such half-year the Woking Company are entitled under the provisions of the Woking Water and Gas Act 1899 to take and take water from the Thames in excess of the average daily quantity of one million gallons the Woking Company shall pay to the Conservators an additional sum of one hundred pounds for every additional average daily quantity of five hundred thousand gallons or part thereof so taken by them in such half-year such payments to be in addition to the payments under subsection (3) of this section.

* * * * * *

CONTRIBUTIONS BY COUNCILS OF COUNTIES AND COUNTY BOROUGHS.

31.—(1) As from the commencement of this Act there shall be paid to the Conservators by each of the councils of the several counties and county boroughs respectively mentioned in Part I. of the Fifth Schedule to this Act (hereinafter collectively referred to as "the contributory authorities") in each year the sums respectively set out in the said Part I. of that schedule.

(2) Every payment made to the Conservators under the provisions of this section shall :—

(A) In the case of the council of a county be paid as expenses for special county purposes to be apportioned and charged by the council of the county on the parishes within the boroughs and urban districts and the rural parishes within such county mentioned in Part II. of the said schedule and to the extent provided in the said Part II. of that schedule and where more than one parish is comprised within any such borough or urban district the council of the county in which the same is situate shall apportion and charge the sum mentioned in respect of such borough or urban district in Part II. of the said schedule on the several parishes within such borough or urban district in proportion to the assessable value of such parishes according to the county rate basis in force during the period for which the contributions are payable ;

(B) In the case of the council of a county borough be paid at the option of such council out of the borough fund or out of the district fund and general district rate ;

and the contributory authorities and the overseers of such parishes are respectively hereby authorised and required to levy any rate that may be necessary for the purposes aforesaid and to charge their funds and rates with the payment of such sums accordingly :

Provided that the Middlesex County Council may at their option determine that the payment to be made by them under this section shall either :—

(i) be paid as expenses for special county purposes under the foregoing provisions of this section ; or

(ii) be made as if it were a contribution under section 29 (Power for council to contribute to open spaces) of the Middlesex County Council Act 1898.

(3) Such payments shall be made by equal half-yearly instalments on the thirtieth day of June and the thirty-first day of December in each year and the first of such payments shall be made on the thirtieth day of June one thousand nine hundred and twenty-five. Such payments shall be made without deduction and shall in the hands of the Conservators be free from all Parliamentary parochial and other general and local taxes rates and assessments whatsoever.

(4) For the purpose of obtaining payment from the contributory authorities of the sums to be paid by them as aforesaid the Conservators shall from time to time issue not less than fourteen days prior to the thirtieth day of June or the thirty-first day of December as the case may be a demand to each of the contributory authorities respectively stating the sum to be contributed by such contributory authority and requiring such contributory authority to pay the sum therein mentioned to the Conservators or as they may direct and the contributory authorities are hereby authorised and required to pay to the Conservators the sums payable by the contributory authorities respectively on the date on which the same is due and payable as aforesaid.

(5) If any such contributory authority fails to pay any sum payable by such contributory authority on the date on which the same is due and payable as aforesaid the same shall be a debt due to the Conservators from the contributory authority so failing and shall if not paid within two months from that date bear interest at the rate of six pounds per centum per annum from the date on which the same is due and payable as aforesaid until paid and the Conservators may in addition to all other remedies sue such contributory authority for the amount unpaid in any court of competent jurisdiction.

32.—(1) The Minister of Transport and the Minister of Health may on application being made as hereinafter in this section provided if they think fit at any time after the expiration of five years from the commencement of this Act or after the expiration of five years from the date of any order made in pursuance of this section jointly by order provide for the variation of the provisions of this Act regulating the payments to be made to the Conservators by the Water Board and the water companies the contributions to be made by the councils of the several counties and county boroughs respectively mentioned in the Fifth Schedule to this Act and the maximum tolls on merchandise registration charges and lock tolls specified in this Act or in the schedules hereto or any one or more of such payments contributions tolls or charges and of any statutory provisions consequential on or supplemental to any such variation as aforesaid in such manner and subject to such conditions as appear to the said Ministers to be just and reasonable :

Provided that any such order shall not operate to increase the said payments contributions and maximum tolls and charges above the amounts specified in this Act but after an order shall have been made reducing the said payments contributions and maximum tolls and charges or any of them it shall be lawful for the said Ministers jointly to make an order increasing the payments contributions and maximum tolls and charges then in force or any of them to amounts not exceeding those specified in this Act :

Provided further that in modifying such payments contributions and maximum tolls and charges or any of them the said Ministers

shall so fix the same as to enable the Conservators to provide for the payment of all proper expenses of and in connection with the working management and maintenance of the undertaking of the Conservators and the payment of all other costs charges and expenses properly chargeable to revenue including the interest on and repayment of all moneys borrowed by the Conservators and not paid off at the time of the making of such order as well as the interest on and repayment of all moneys which the said Ministers shall be satisfied will require to be borrowed by the Conservators during the period of the five years next after the date on which such order comes into force.

(2) An application for an order under this section may be made to the Minister of Health by the Water Board the South West Suburban Company the West Surrey Company the Woking Company or the council of any county county borough borough or urban district mentioned in the Fifth Schedule to this Act or to the Minister of Transport by the Conservators or by ten persons who shall during the twelve months preceding the application have paid to the Conservators tolls on merchandise registration charges or lock tolls or by the Association of Master Lightermen and Bargeowners of the Port of London or by the Thames Boating Trades Association Limited.

(3) Any application under this section shall be accompanied by such information certified in such manner as the Minister to whom it is made may require and before making an order the Minister shall require the applicant to give public notice of the application and as to the manner in which and time within which representations may be made and to give a similar notice in writing to the Water Board to the water companies to the council of every such county county borough borough and urban district to the Association of Master Lightermen and Bargeowners of the Port of London and to the Thames Boating Trades Association Limited (other than the applicant) and where the application is made otherwise than by the Conservators also to the Conservators and the said Ministers shall consider any representations which may be duly made and may (if they think fit) direct an inquiry to be held.

(4) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister of Transport and the Minister of Health were referred to therein in lieu of the Board of Trade and as if in section 4 the words " under the seals of the Minister of Transport and the Minister of Health " were substituted for the words " by writing under the hand of the President or of one of the secretaries of the Board."

(5) Any order made in pursuance of this section shall come into force on such date as may be fixed by such order.

42. * * * * * *

(2) With respect to the purchase and taking of lands for the purposes of locks lock-houses or weirs the Conservators may purchase lands otherwise than by agreement and sections 176 (Regulations as to purchase of lands) and 297 (As to Provisional Orders made by

Local Government Board) of the Public Health Act 1875 shall apply to any such purchase as if those sections were re-enacted in this Act with the substitution of the Minister of Transport for the Local Government Board and of the Conservators for a local authority and on the petition or application of the Conservators the Minister of Transport may make such Provisional Orders as may be made under those sections as applied by this section.

(3) The Minister of Transport subject to the consent of the Treasury may fix the fees to be payable in respect of Provisional Orders made by the Minister under this section and such fees shall be paid by such authorities and persons as the Minister of Transport may determine.

(4) The Minister of Transport may make regulations in relation to applications for Provisional Orders under this section and the publication of notices and advertisements and the manner in which and the time within which representations and objections with reference to the application are to be made and the holding of public inquiries in the cases in which public inquiries are required to be held under this section and in such other cases as he may think advisable and to any other matters of procedure respecting the obtaining and granting of Provisional Orders under this section.

43.—(1) Notwithstanding anything contained in the Act of 1911 the Minister of Transport and the Minister of Health may on application being made as hereinafter in this section provided if they think fit from time to time in cases of serious emergency affecting the supply of water by the Water Board jointly by order provide for the temporary modification of the provision of section 4 (Power to abstract water) of the Act of 1911 for such period during the continuance of such emergency and subject to such conditions as appear to the said Ministers to be just and reasonable and the said Ministers may jointly by order revoke alter or amend any such order.

* * * * * *

44.—(1) The Conservators on the one hand and any local authority appointing a Conservator or having a right to vote in the appointment of a Conservator under the Act of 1908 or the local authority of any district through or by which the Thames flows or any two or more of such local authorities on the other hand may enter into and carry into effect agreements for and with regard to the exercise and performance of any of the powers or duties of the Conservators in relation to the conservancy preservation maintenance and regulation of the Thames and the banks and towpaths thereof the preservation and maintenance of the flow and purity of the river and its tributaries and otherwise and as a term of any such agreement any such local authority may agree to contribute to any expenses incurred or to be incurred by the Conservators under the Acts of 1894 to 1924 and as to the terms and conditions on which any such contribution shall be made and the amount duration and application thereof and otherwise in relation thereto and such contributions may in the case of the

Complete, Reliable
UP-TO-DATE

MACKENZIE'S
Overseers' Handbook

9th EDITION 1925

By

WILLIAM C. HOWE, Barrister-at-Law
Of the Middle Temple and South Wales Circuit,
and
F. J. OGDEN

THE indispensable work for the use of Overseers, Assistant Overseers, Collectors of Rates, Vestry Clerks, and allied Officers.

Price 15s. Postage 9d.

BUTTERWORTH & CO. (S. S. BOND)
BELL YARD, TEMPLE BAR, LONDON, W.C.2.

MACKENZIE'S OVE

NINTH E

SINCE the publication of the previous edition ten years ago, drastic changes have occurred to affect the duties of Overseers, due to a large extent to the War and the conditions resulting from it.

Naturally, therefore, there are many and important enactments to record, among such measures being :

The Representation of the People Act, 1918.

The Ecclesiastical Tithe Rentcharge (Rates) Act, 1920.

The Juries Act, 1922.

The Agricultural Rates Act, 1923.

These and other legislative changes are clearly set out and explained. Likewise, all cases which have been heard since the previous edition are lucidly stated, many of these cases being of peculiar importance.

VORTHS' DUNCEMENT

RTY ACTS EDITION

ne

A OF FORMS CEDENTS

Chief

DERHILL, LL.D.,

Senior Conveyancing
uthor of a Treatise
usts, etc.

tors:

For New Law of Property Titles:

J. M. LIGHTWOOD, Esq.,

BUTTERWORTHS' GREAT ANNOUNCEMENT

NEW LAW OF PROPERTY ACTS EDITION *of the* ENCYCLOPÆDIA OF FORMS AND PRECEDENTS

Editor-in-Chief

SIR ARTHUR UNDERHILL, LL.D.,

Bencher of Lincoln's Inn and Senior Conveyancing Counsel of the Court; Author of a Treatise on the Law of Trusts, etc.

Joint Editors:

For General Titles:

J. H. REDMAN, Esq.,

of the Middle Temple, Barrister-at-Law.

Author of "Redman's Landlord and Tenant"; "Arbitration and Awards"; Joint Editor of "Butterworth's Supplemental Forms and Notes."

For New Law of Property Titles:

J. M. LIGHTWOOD, Esq.,

of Lincoln's Inn, Barrister-at-Law.

Editor-in-Chief of "The Law Journal"; Author of "A Conveyancer's Letter"; Contributor of Titles "Equity" and "Landlord and Tenant" in Halsbury's LAWS OF ENGLAND.

IN 18-20 VOLUMES

¶ ***Special Offer Price***

Before August 1st . . . **35** shillings net per volume

Published Price . . . **40** shillings net per volume

Also on TURNOVER INDIA PAPER - - **2** shillings extra per Volume

The announcement of a new edition of this work comes at a most opportune moment for the whole Profession, who will be able to rely upon the enormous assistance it provides at an exceedingly critical period, as

ALL VOLUMES OF TEXT ARE TO BE DELIVERED FOR USE IN JANUARY 1926

BUTTERWORTH & CO. (S. S. BOND)

BELL YARD, TEMPLE BAR, LONDON, W.C.2.

Law of Property Acts Edition of the Encyclopædia of Forms and Precedents

OVERWHELMING NEED FOR THE WORK

Throughout the Legal Profession in England and Wales considerable anxiety prevails owing to the additional burden that has recently been placed upon the Profession by the passing into Law of the various LAW OF PROPERTY ACTS. These Acts come into operation on ***January 1st next***, and they impose upon the Legal Profession a gigantic task, considerable additional responsibility, and the perplexities and difficulties of what can be described as a transitional period.

THE OLD AND THE NEW LAW

For the next ten or fifteen years the Profession will be concerned with ***both*** branches of the law, the old law and the new law. The Profession are constantly enquiring as to what Works will be provided in order to assist them in the Herculean task that awaits them.

WILL FILL ALL REQUIREMENTS

Messrs. Butterworth & Company are glad to announce that they have made arrangements to issue a Work that will completely fill all the requirements of the Profession under the new post January 1 conditions.

Of the ENCYCLOPÆDIA OF FORMS itself, which has been recognised as the collection of Forms *par excellence* for a good many years, and which has done wonderful service to the Profession day in and day out, it is unnecessary to speak here. The Publishers desire to say, however, that they have aimed for the **LAW OF PROPERTY ACTS EDITION of THE ENCYCLOPÆDIA OF FORMS AND PRECEDENTS to render as great if not greater service than the original edition.** Having regard to the changed circumstances to which attention has already been called, the need for THE LAW OF PROPERTY ACTS EDITION OF THE ENCYCLOPÆDIA OF FORMS AND PRECEDENTS will be very much greater than the original edition.

LAW OF PROPERTY TITLES EXHAUSTIVELY TREATED

Among the outstanding and predominant features of the new edition will be the special attention that has been given to the LAW OF PROPERTY ACTS TITLES. The two volumes on "***Sale of Land,***" prepared and revised by J. M. LIGHTWOOD, Esq., will be found to be veritable masterpieces, and from the very commencement will make available to the Profession explanations of law and the required new Forms, which in order to obtain independently, Practitioners would have to undergo years of study.

The volume on "***Mortgages***" will be found to give complete and comprehensive guidance on a subject that is so vitally affected.

The volume on "***Settlements***" will save Practitioners many anxious hours, because it will contain the results of prolonged investigation and research.

The Titles "***Wills,***" "***Trusts and Trustees,***" "***Registration of Title,***" "***Partition,***" "***Infants,***" "***Executors,***" "***Dower,***" "***Disentailing Assurances,***" "***Appointments,***" ***and*** "***Annuities***" have all been given special consideration.

In addition to the LAW OF PROPERTY ACT TITLES having received special revision, other Titles, not so much affected, have also been dealt with in a manner which conforms to the high standard that has always been adhered to with the ENCYCLOPÆDIA. The Title "***Companies***" and other Titles deserve special mention.

It is the **Law of Property Act Titles,** however, which enable the Publishers confidently to recommend the **new edition** to the Profession. The acquisition of the volumes will relieve Practitioners of a thousand cares and multitudinous anxieties. Instead of being perplexed as to what has to be done in this, that and the other circumstances, when these volumes are added to his Library **the Practitioner will be able to find the exact information that he is in need of.**

In addition to all the Forms necessary under the new Acts being included, a special feature has been made in stating the Law in the Preliminary Notes.

STATUTES

All the **new Property Acts** and a great deal of other valuable information, including a **Consolidated Section on Stamp Duties,** are being included.

INDEXES

The volumes will be found to be exceptionally well indexed, and Tables of Cases and Tables of Statutes appear in each volume; also an Index to each volume is given in this edition.

A **Consolidated Index** to the entire Work will form the last volume. This latter volume will be published as soon as possible after January 1st.

In conclusion the Publishers would respectfully state to the Profession:

AVOID ANXIETY BY SUBSCRIBING TO THE LAW OF PROPERTY ACTS EDITION OF "THE ENCYCLOPÆDIA OF FORMS AND PRECEDENTS"—THE WELL-KNOWN, UNRIVALLED, IMPREGNABLE STANDARD WORK, issued under the General Editorship of Sir Arthur Underhill, LL.D.; with J. H. Redman, Esq., and J. M. Lightwood, Esq., as Joint Editors.

ENCYCLOPÆDIA OF FORMS AND PRECEDENTS

New Law of Property Acts Edition. 18-20 Volumes.

SPECIAL OFFER ORDER FORMS

Valid only to August 1, 1925.

To MESSRS. BUTTERWORTH & CO.,
BELL YARD, TEMPLE BAR,
LONDON, W.C. 2.

For Cash

Please reserve me/us a set of THE ENCYCLOPÆDIA OF FORMS AND PRECEDENTS, *Law of Property Edition, which I/we agree to take for cash at the Special Offer Price of* **35/-** *per volume on thick paper* **OR** *on turnover India paper* **2/-** *per volume extra.* Carriage and packing charged extra.*

Name

Address

Date

**Delete Edition not required.*

To MESSRS. BUTTERWORTH & CO.,
BELL YARD, TEMPLE BAR,
LONDON, W.C. 2.

Instalment Terms

Please reserve me/us a set of THE ENCYCLOPÆDIA OF FORMS AND PRECEDENTS, *Law of Property Edition, for which I/we agree to pay* **5** *guineas on delivery and* **5** *guineas per quarter at the Special Offer Price of* **36/6** *per volume on thick paper* **OR** *on turnover India paper* **2/-** *per volume extra.* Carriage and packing charged extra.*

Name

Address

Date

**Delete Edition not required.*

Spottiswoode, Ballantyne & Co. Ltd., Printers, London, Colchester and Eton

BUTTERW
GREAT ANN

NEW LAW OF PROP
of
ENCYCLOPÆDI
AND PR

Editor-

SIR ARTHUR UN

Bencher of Lincoln's Inn
Counsel of the Cour
on the Law

Joint

For General Titles :

J. H. REDMAN, Esq.

SEERS' HANDBOOK

ON, 1925

The new edition has been prepared by WILLIAM C. HOWE, Barrister-at-Law, and F. J. OGDEN, and, in addition to being brought thoroughly up-to-date, has been materially improved in several directions.

A **new chapter**, for example, on the **General District Rate** is now added. It deals very fully with the subject, and in view of the growing practice of employing the same officers to collect the poor and general district rates will be found of the greatest value.

It is also believed that the inclusion of a complete **Table of Statutes,** inserted on the suggestion of numerous readers, will further enhance the usefulness of the work.

At the same time, the main characteristics of the book have been retained in the form in which they have proved of such great assistance to users of the work in previous years.

In conclusion, this complete and up-to-date treatise covers in a most convenient form every aspect of the subject, and should undoubtedly be in the hands of all overseers and similar officials.

SOME PRESS OPINIONS

We welcome the appearance of this indispensable work. We say indispensable because, having to refer to it almost daily throughout the year, we feel that it would be impossible to get through our work without it. We have no hesitation in recommending it without reservation.

—The Justice of the Peace.

Will be warmly welcomed by overseers and by the officials whose duties and responsibilities it so well discusses. .....the most reliable guide published.

—The Sanitary Record.

That exceedingly useful work.....

—The Law Times.

ORDER FORM

To BUTTERWORTH & CO.,
BELL YARD, TEMPLE BAR, W.C.2.

PLEASE send me.....cop.....of MACKENZIE'S OVERSEERS' HANDBOOK, 9th Edition, 1925, by William C. Howe, Barrister-at-Law, and F. J. Ogden. Price 15s. net, postage 9d. extra, remittance for which is enclosed. / will be sent.

Name .....

Address .....

.....

Date .....

council of a county be paid out of the county fund of the county as a payment for general county purposes and in the case of the council of a county borough or borough out of the borough fund or out of the district fund and general district rate and in the case of the council of an urban or rural district out of the fund or rate applicable to the general expenses of their district.

(2) The expression "open space" in the Open Spaces Act 1906 shall be deemed to include any towpath or portion of towpath of the Thames and any such local authority as aforesaid may subject to and in accordance with the provisions of that Act acquire maintain and control any such towpath or portion of towpath as an open space for the purpose of a public promenade or otherwise Provided that notwithstanding any such acquisition the right of towing over and along any such towpath or portion of towpath with or without horses enjoyed by the Conservators and by the public or either of them prior to the date of such acquisition shall be preserved as fully and effectually as theretofore enjoyed Provided also that the provisions of this sub-section shall not extend to any portion of the Barge Walk (including the towpath) between Kingston Bridge and Hampton Court Bridge.

(3) Nothing in this section shall impose or be construed to impose upon the Conservators any obligation to provide or maintain or to contribute to the provision or maintenance of any such towpath or portion of towpath nor shall anything in this section take away or diminish any existing right of any riparian owner in any towpath.

* * * * * *

FIFTH SCHEDULE.

PART I.

	Amount of annual payment.
	£
(*a*) COUNCILS OF COUNTIES:—	
Berkshire County Council	840
Buckinghamshire County Council	250
Middlesex County Council	775
Oxfordshire County Council	125
Surrey County Council	2,350
(*b*) COUNCILS OF COUNTY BOROUGHS:—	
The Council of the City of Oxford	1,000
The Council of the Borough of Reading	1,000
Total	6,340

PART II.

	£	£
COUNTY OF BERKS		
Boroughs:—		
Abingdon	60	
Maidenhead	225	
New Windsor	250	

	Amount of annual payment. £	£
Rural parishes:—		
Bray	50	
Cholsey	50	
Cookham	75	
Old Windsor	40	
Pangbourne	40	
Wargrave	50	
		840
COUNTY OF BUCKS.		
Urban districts:—		
Eton	60	
Marlow	50	
Rural parishes:—		
Datchet	40	
Taplow	50	
Wooburn	50	
		250
COUNTY OF MIDDLESEX.		
Urban districts:—		
Hampton	250	
Hampton Wick	50	
Staines	125	
Sunbury	100	
Teddington	250	
		775
COUNTY OF OXFORD.		
Borough:—		
Henley-on-Thames	75	
Rural parish:—		
Goring	50	
		125
COUNTY OF SURREY.		
Borough:—		
Kingston-on-Thames	500	
Urban districts:—		
Chertsey	200	
Egham	200	
Esher and The Dittons	350	
Molesey	200	
Surbiton	400	
Walton-on-Thames	350	
Weybridge	150	
		2,350

III.—CASES.

Corporation — Statutory Powers —Navigation of River—Power to Charge Tolls—Contract not to Exercise Powers—Undue Preference.] —The plaintiffs were by statute entrusted with the control and management of part of the navigations of the Rivers Ouse and Foss, in Yorkshire, with power to charge such tolls, within limits, as the corporation deemed necessary to carry on the two navigations in which the public had an interest. In 1888 the corporation entered into two agreements with the firm of Henry Leetham & Sons. By the Ouse agreement the corporation covenanted to allow the firm, their successors and assigns, the right to carry cargoes on the Ouse in consideration of the annual payment of £600 in place of the authorised dues and charges, with a proviso that there should each year be refunded to the firm, their successors and assigns, the difference between

the £600 and the amount ordinarily charged on the traffic actually carried. By the Foss agreement the firm covenanted to pay the corporation £200 per annum for twenty years as a composition for the ordinary tolls, and the corporation covenanted to allow the firm, their successors and assigns, the free use of the Foss navigation, on payment of £200 per annum in lieu of tolls, for such further term or terms as the firm, their successors or assigns, might from time to time desire. The defendants were the successors of Henry Leetham & Sons:

HELD—(1) that the agreements were *ultra vires*, because during their currency, which depended on the wishes of the defendants, the corporation, no matter what emergency might arise, had disabled itself from exercising its statutory powers to increase the tolls so far as might be necessary; and that, being *ultra vires* at the date of their execution, the agreements did not become *intra vires* by reason of estoppel, lapse of time, ratification, acquiescence, or delay; (2) that in view of the provisions of s. 6 of the Railway and Canal Traffic Act, 1854, it was not open to the plaintiffs to allege that the agreements were void on the ground that they gave the defendants an undue preference.

YORK CORPN. *v.* HENRY LEETHAM & SONS, LTD., [1924] 1 Ch. 557; 131 L. T. 127; 40 T. L. R. 371; 68 Sol. Jo. 459; 22 L. G. R. 371; 59 L. Jo. 180—Russell, J.

ROADS.

See "HIGHWAYS."

SANITARY CONVENIENCES.

See "BYE-LAWS."

SCHOOLS.

See "EDUCATION."

SEA DEFENCE.

See "DEVELOPMENT AND SEASHORE."

SEASHORE AND ESPLANADES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

QUESTION OF ADVANCE FROM DEVELOPMENT COMMISSIONERS.

The Development Commissioners stated as follows in their report for the year ended 31st March, 1923: "Applications were received from the Barmouth Urban District Council and the Scarborough Town Council for advances in aid of the cost of sea defence works.

In both cases the Commissioners admitted the serious nature of the situation, and the heavy cost in which protective measures would involve the ratepayers. But in considering applications for protection against sea erosion they have regarded it as outside their province to assist in averting or repairing damage which threatens urban and residential property only. They have acted upon this view in numerous cases. Recommendations for advances have been made in cases where the land to be protected was agricultural; but in neither of the above instances was this the case. The works proposed were works of preservation, and the benefits would accrue directly to the locality. Such works could not, in the opinion of the Commissioners, be held likely to promote 'the economic development of the United Kingdom' in the sense in which those words are used in Sect. 1 (i) of the Development and Road Improvement Funds Act, 1909. The Commissioners, therefore, were unable to recommend any advances."

SEWERS, DRAINS, AND SEWAGE DISPOSAL.

III.—CASES.

Insufficient Drainage System—Neglect of Local Authority to Remedy—Injury to Property by Flooding — Non-feasance — Remedy for—Public Health Act, 1875, *ss.* 15, 16, 17.]—The defendants, as the local authority of the district, were the owners of a sewer which ran alongside of a natural stream. In the year 1880 they made a number of storm-water outlets in the sewer to relieve the pressure on it in times of heavy rain by discharging the surplus water into the stream. At the time the outlets were made the stream was of sufficient capacity to carry off all the water that was discharged into it, but in course of time, owing to the neighbouring land having been almost entirely built over, it had become insufficient. In consequence of an exceptionally heavy storm in 1920 so much surplus water was discharged from the sewer into the stream that the adjoining land was flooded and certain houses of the plaintiff on the banks of the stream were damaged:

HELD—(1) that under ss. 15, 16 and 17 of the Public Health Act, 1875, the defendants had statutory authority to discharge the surplus water from the sewer into the stream, and that they were not liable as for a nuisance; (2) that the defendants' neglect to enlarge the capacity of the stream or otherwise improve their drainage system to meet the requirements of the increased population was not negligence for which an action would lie; it was a non-feasance, the remedy, if any, for which was by an application to the Local Government Board under s. 299 of the Public Health Act and assessment of compensation by arbitration under s. 308.

Hawthorn Corporation v. *Kannuluik*, [1906] A. C. 105, discussed.

HESKETH *v.* BIRMINGHAM CORPN. (1922), [1924] 1 K. B. 260; 93 L. J. K. B. 461; 130 L. T. 476; 88 J. P. 77; 22 L. G. R. 281—C. A.

SHOPS REGULATION.

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of the Shops (Early Closing) Act, 1920.

SLAUGHTER-HOUSES.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 502.

SANITARY AUTHORITIES.

MINISTRY OF HEALTH,
16*th June*, 1924.

FOOT-AND-MOUTH DISEASE.

SIR,—I am directed by the Minister of Health to state that he is informed by the Minister of Agriculture and Fisheries that a large number of the recent outbreaks of foot-and-mouth disease have occurred in slaughter-houses, and while there are indications that the severity of the disease is diminishing, it is thought that its eradication would be hastened if sanitary authorities and their officers would devote special attention to the inspection of meat in order to ensure the prompt detection of meat or offal showing indications of the disease.

The Minister will accordingly be glad if Medical Officers of Health, sanitary inspectors, and other officers of local authorities will exercise special vigilance in the supervision of slaughter-houses and places where meat is deposited, prepared or exposed for sale.

The parts requiring special examination are the head, tongue and feet. Further particulars of the symptoms of the disease are given in the leaflet (F.M. 3) of the Ministry of Agriculture and Fisheries, a copy of which is enclosed. For the detection of the disease it is regarded as important that the animals should be inspected both before and after slaughter, and, as the council are of course aware, this practice is desirable on general grounds, as indicated in the first paragraph of the memorandum on meat inspection issued in March, 1922 (Memo. 62/Foods).

Whenever evidence of the disease is detected the officer concerned should immediately notify the local authority under the Diseases of Animals Acts (whether his own authority or not), and should retain the suspected parts for inspection and for any further action that may be necessary to trace the disease to its source. The question of the disposal of the carcase for purposes of food should be decided in accordance with the instructions given in Part D, Sect. V., of Memo. 62/Foods.

I am, etc.

CIRCULAR 552.

RURAL DISTRICT COUNCILS.

MINISTRY OF HEALTH,
29th December, 1924.

THE RURAL DISTRICT COUNCILS (SLAUGHTER-HOUSES) ORDERS, 1924.

SIR,—1. I am directed by the Minister of Health to enclose three copies of an Order, made by the Minister under Sect. 25 of the Local Government Act, 1894, providing that rural district councils shall have the powers, duties and liabilities of urban authorities under the enactments relating to slaughter-houses which are mentioned in the Schedule to the Order.

The reasons which have led to the issue of this Order are set out on pages 1 and 2 of Circular 547 dated 29th December, 1924, enclosing the Public Health (Meat) Regulations, 1924.

An explanation of the effect of the Order is set out in the appendix to this circular.

2. I am to draw your attention to Article 7 of the Order. Notice that the Order has been made will immediately be published in the *London Gazette*, and I am to ask you forthwith to arrange, in accordance with Article 7, that a statement of the effect of the Order and of the place at which a copy of the Order may be inspected shall be published once at least in such one or more local newspapers as may best be calculated to secure the publication of the Order in the whole of the rural district.

It will be observed that, in order to reduce the expense of advertisement, the Article permits of a joint publication on behalf of two or more rural district councils and that, if the enactments mentioned in Part II. of the Schedule to the Order are already in force in the whole of the rural district, the council are exempted from the obligation to publish notice of the effect of the Order.

A specimen form of advertisement is enclosed.

I am also to suggest that it would be desirable, in those rural districts or contributory places in which the enactments in Part II. of the Schedule are not already in force, that the owner or occupier of each known slaughter-house or knacker's yard should be notified of the obligation which rests upon him to register within three months after the 1st January, 1925, in accordance with Sect. 127 of the Towns Improvement Clauses Act, 1847.

3. I am to request that a copy of this circular and of the Order may be handed to the Medical Officer of Health and the sanitary inspector.

The Order and circular will be placed on sale, and further copies may be purchased from His Majesty's Stationery Office at the addresses given on page 4.

I am, etc.

APPENDIX.

1. *Definition of "Slaughter-house."*

In Sect. 4 of the Public Health Act, 1875, the expression "slaughter-house" is defined to include the buildings and places commonly called slaughter-houses and knackers' yards, and any building or place used for slaughtering cattle, horses or animals of any description for sale. This definition will apply in the construction of enactments in the Public Health Acts applied to rural districts generally by the new Order.

2. *Registration and Licensing of Slaughter-houses.*

Unless the second paragraph of Sect. 169 of the Public Health Act, 1875, is already in force in the rural district by virtue of a special Order, the effect of the application by the new Order of that paragraph to the rural district will be to require every place used as a slaughter-house or knacker's yard to be registered by the owner or occupier, at the office of the rural district council, within three months after the 1st January, 1925 (Sect. 127 of the Towns Improvement Clauses Act, 1847).

Furthermore, the use or occupation as a slaughter-house or knacker's yard of any place which is not in such use and occupation at that date will be prohibited unless and until a licence for its erection, or for its use and occupation as a slaughter-house or knacker's yard, has been obtained from the rural district council (Sect. 126 of the Act of 1847). No such licence will be a permanent licence, but will remain in force for such time only, not being less than twelve months, as the rural district council may specify in the licence (Sect. 29 of the Public Health Acts Amendment Act, 1890).

The council will not be empowered to refuse to register an existing slaughter-house or knacker's yard and, so long as registered premises continue to be used without a break, no licence will be necessary. On the other hand, the grant by the rural district council of a licence in respect of a new slaughter-house or knacker's yard is discretionary, and the council will thus be able to guard against the establishment upon unsuitable premises of a new slaughter-house or knacker's yard. Moreover, the temporary character of the licence will enable the council to review the case, upon the expiration of the first or any later licence.

3. *Saving for certain persons.*

If there should be in the rural district any persons incorporated by any local Act passed before the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses or knackers' yards, they will be exempt from registration or licensing in respect of any slaughter-house or knacker's yard (the third paragraph of Sect. 169 of the Public Health Act, 1875).

4. *Date of the Commencement of the Order.*

As already mentioned, the Order will ordinarily come into effect on the 1st January, 1925.

Where, however, a special Order has hitherto been in force (under Sect. 276 of the Public Health Act, 1875, or Sect. 5 of the Public

Health Acts Amendment Act, 1890), the date which will determine whether a slaughter-house in the area to which the special Order extends has to be registered (or to be licensed, as the case may be), will be, as at present, the date of the special Order ; this is the effect of the proviso to Article 4 of the new Order.

5. *Provision of Slaughter-houses.*

The new Order confers on rural district councils the power to provide slaughter-houses and to make bye-laws with respect to the management and charges for the use of any slaughter-house so provided (first paragraph of Sect. 169 of the Act of 1875).

6. *Expenses.*

Article 5 of the new Order provides that the expenses incurred by a rural district council in the execution of any of the applied enactments shall be defrayed as general expenses, and any provisions in any Order of the Local Government Board or of the Minister directing otherwise is rescinded by Article 6 of the Order.

It is, however, provided that the expenses in respect of any slaughter-houses already provided by rural district councils which are now chargeable as special expenses shall remain special. It is also made clear that the Minister retains his power to declare expenses special in any particular case, and, if any rural district council provides a slaughter-house and desires the expenses to be made special, an application should be made to the Ministry for this purpose.

7. *Saving for action taken under existing special Orders.*

Article 6 (2) also applies Sect. 38 of the Interpretation Act, 1889, with the result that the revocation of any provision in any Order of the Local Government Board or of the Minister will not affect proceedings in respect of any offence committed before the provisions were revoked. The Article also contains a saving for bye-laws or regulations made, licences granted and premises registered as slaughter-houses under any such provision.

8. *Bye-laws.*

Attention is also drawn to Sect. 128 of the Act of 1847 regarding bye-laws for private slaughter-houses. Model bye-laws (copies of which will be sent on application) have been prepared for use under this section, and can be used also as a basis if it is desired to make bye-laws to control slaughter-houses provided by the council.

ENCLOSURE TO CIRCULAR 552.

FORM OF ADVERTISEMENT.

SLAUGHTER-HOUSES AND KNACKERS' YARDS.

THE PUBLIC HEALTH ACTS.

RURAL DISTRICT OF

Notice is hereby given that by the Rural District Councils (Slaughter-houses) Order, 1924, the Minister of Health has directed that every rural district council shall have the powers, duties and

liabilities of an urban authority under the following enactments relating to the provision and regulation of slaughter-houses, viz.,

(1) Sections 169 and 170 of the Public Health Act, 1875.

(2) Sections 29 to 31 of the Public Health Acts Amendment Act, 1890.

* [The provisions as to registration and licensing are already in force in the contributory places of

_____

_____

In other parts of the rural district] it will be necessary that all existing slaughter-houses should be registered before the 1st April next.

The applied enactments also provide that no new slaughter-house can be used without a licence of the rural district council and require a notice to be affixed to registered or licensed slaughter-houses. They also require notice to be given to the district council upon a change of occupation of a registered or licensed slaughter-house and provide for the making of bye-laws by the council for the regulation of slaughter-houses. The justices are empowered to suspend or revoke the licence or registration of a slaughter-house upon a conviction of the occupier of certain offences.

For the above purposes, " slaughter-house " includes knackers' yards and any building or place used for slaughtering cattle, horses or animals of any description for sale.

A copy of the Order may be inspected at _____ _____ on any week-day during ordinary office hours.

Clerk to the Rural District Council.

January, 1925.

STATUTORY RULES AND ORDERS, 1924, No. 1431.

THE RURAL DISTRICT COUNCILS (SLAUGHTER-HOUSES) ORDER, 1924, DATED 20TH DECEMBER, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECTION 25 OF THE LOCAL GOVERNMENT ACT, 1894.

69,611.

Whereas sub-sect. (5) of Sect. 25 of the Local Government Act, 1894, provides that rural district councils shall have such powers, duties and liabilities of urban sanitary authorities under the Public Health Acts or any other Act, and that such provisions of any of those Acts relating to urban districts shall apply to rural districts, as the Minister of Health may by general order direct, and by sub-sect. (6) of that section every order made by the Minister under the section is forthwith to be laid before Parliament :

Now therefore, the Minister of Health, in pursuance of his powers under sub-sect. (5) of Sect. 25 of the Local Government Act, 1894, and of all other powers enabling him in that behalf, hereby orders and directs as follows :—

* Delete [ ] if not applicable.

Short Title and Commencement.

1. This Order may be cited as the Rural District Councils (Slaughter-houses) Order, 1924, and shall come into operation on the first day of January, 1925.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

"Special order" means any order of the Local Government Board, or of the Minister of Health, declaring any provision of the Public Health Acts, or any enactment repealed by those Acts, to be in force in any rural district, or in any contributory place therein;

"The Minister" means the Minister of Health.

Provision and regulation of slaughter-houses.

3. Rural district councils shall have the powers, duties and liabilities of urban authorities under the enactments relating to slaughter-houses mentioned in Part I. and Part II. of the Schedule to this Order, and those enactments shall apply to every rural district council and rural district in like manner as they apply to urban district councils and urban districts.

Construction of the applied enactments.

4. In the construction of any enactment mentioned in the Schedule hereto, as applied to rural district councils and to rural districts by this Order, any reference to the time of the passing of the special Act, or to the date of the adoption of Part III. of the Public Health Acts Amendment Act, 1890, shall be construed as a reference to the commencement of this Order:

Provided that where any such enactment is in force, immediately before the commencement of this Order, in a rural district, or any contributory place therein, by virtue of any special order, the date of the commencement of the special order shall, for the purposes of the application of the enactment to that rural district or contributory place, be deemed to be the date of the passing of the special Act, or of the adoption of Part III. of the Public Health Acts Amendment Act, 1890, as the case may be.

Expenses.

5. Subject to the provisions of this Order and to the power of the Minister under any enactment to determine in any particular case expenses of a rural district council to be special expenses, the expenses incurred by a rural district council in the execution of any enactment mentioned in the Schedule to this Order shall be defrayed as general expenses.

Rescission of Orders.

6.—(1) Any provision in any special order by virtue of which any enactment mentioned in the Schedule to this Order may be in force

in any rural district or in any contributory place therein, and any provision in any such special order or in any other order of the Local Government Board, or of the Minister, determining that the expenses incurred or payable in the execution of any such enactment as aforesaid shall be special expenses, is hereby rescinded :

Provided that nothing in this Article shall affect the operation of any provision in any Order determining that the expenses incurred or payable in the execution of the first paragraph of Sect. 169 of the Public Health Act, 1875, shall be special expenses.

(2) Section 38 of the Interpretation Act, 1889, as applied to this Order, shall have effect as if every provision in an order of the Local Government Board or of the Minister which is rescinded by this Article were a repealed enactment.

(3) Where Sect. 31 of the Public Health Acts Amendment Act, 1890, is in force immediately before the commencement of this Order in a rural district or any contributory place therein, nothing in this Article shall affect the power of a court under that section to revoke a slaughter-house licence upon the conviction of the occupier of the slaughter-house of any offence mentioned in the section.

(4) Nothing in this Article shall affect the operation of any bye-law or regulation made, or any licence granted, under any enactment which immediately before the commencement of this Order is in force in a rural district or contributory place therein by virtue of any special order, or shall affect any existing registration of a slaughter-house under any such enactment as aforesaid.

Publication of this Order.

7.—(1) After the publication by the Minister in the *London Gazette* of notice that this Order has been made, every rural district council to whom this Article applies shall forthwith cause a statement of the effect of this Order and of the place at which a copy of this Order may be inspected to be published once at least in such one or more local newspapers as may best be calculated to secure the publication of this Order in the whole of their district :

Provided that two or more rural district councils may arrange for the publication in a local newspaper, jointly on behalf of such councils, of the statement aforesaid.

(2) Where, immediately before the commencement of this Order, the enactments mentioned in Part II. of the Schedule hereto, are in force within the whole of a rural district, paragraph (1) of this Article shall not extend to the council of that rural district.

The Schedule.

PART I.—ENACTMENT RELATING TO THE PROVISION OF SLAUGHTER-HOUSES.

Enactment applied.	Subject-matter of applied enactment.
The first paragraph of Sect. 169 of the Public Health Act, 1875 (38 & 39 Vict. c. 55).	Power to provide slaughter-houses, and the making of bye-laws with respect to the management and charges for the use of any slaughter-houses so provided.

PART II.—ENACTMENTS RELATING TO THE REGULATION OF SLAUGHTER-HOUSES.

Enactment applied.	Subject-matter of applied enactment.
The Public Health Act, 1875 (38 & 39 Vict. c. 55)—	
The second paragraph of Sect 169.	Incorporating with the Public Health Act, 1875, the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses. These provisions require all existing slaughter-houses to be registered within 3 months after the passing of the special Act, and prohibit the use of new slaughter-houses unless they are licensed; and empower— (1) The local authority to make bye-laws for the regulation of slaughter-houses; (2) The justices to suspend or revoke the licence or registration of a slaughter-house upon a conviction of certain offences; and (3) Officers of the local authority to enter and inspect slaughter-houses, &c.
The third paragraph of Sect. 169.	Saving for the rights, &c., of persons incorporated by any local Act passed before the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.
Section 170	Notice to be affixed to licensed or registered slaughter-houses.
The Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59)—	
Section 29	Licences for slaughter-houses to be granted for a limited period only.
Section 30	Upon a change of occupation of a registered or licensed slaughter-house, notice to be given to the local authority.
Section 31	Power of justices to revoke a slaughter-house licence upon the conviction of the occupier of certain offences.

IV.—DEPARTMENTAL DECISIONS.

Public Slaughter-houses.

In deciding upon an application by a local authority for sanction to a loan for the provision of a public slaughter-house, the Minister of Health stated that he was strongly in favour of the provision of public slaughter-houses in all suitable cases. In view, however, of the small use which would probably be made of a public slaughter-house at ——, and of the financial loss which would be caused thereby, apart from any question of the undesirability of diverting any available supplies of skilled building labour and materials from housing purposes, he would not feel justified in approving such a scheme as that contemplated by the council. He had, therefore, decided to refuse the application.

SMALL HOLDINGS.

See "ALLOTMENTS."

SMOKE.

See "AIR."

STREETS.

See "HIGHWAYS"; "TOWN PLANNING."

SUBSIDENCES.

See "LAND."

SUMMER TIME.

See "CLOCKS."

SUPERANNUATION.

I.—STATUTES.

SCHOOL TEACHERS (SUPERANNUATION) ACT, 1924.

14 & 15 Geo. 5, c. 12.

[29th May 1924.]

1. The School Teachers (Superannuation) Act, 1922 (*a*), shall, unless Parliament shall hereafter fix some earlier date for the purpose, have effect as though in subsection (1) of section one thereof (which provides that contributions thereunder are to be payable as from the first day of June, nineteen hundred and twenty-two, until the first day of June, nineteen hundred and twenty-four) the first day of April, nineteen hundred and twenty-six, were substituted for the first day of June, nineteen hundred and twenty-four.

(*a*) See "Local Government, 1922," p. 468.

PENSIONS (INCREASE) ACT, 1924.
14 & 15 Geo. 5, c. 32.

[7th August 1924.]

NOTE.—*This Act is fully explained in a Circular of the Ministry of Health dated 22nd October*, 1924. *This Circular is reproduced below.*

1.—(1) As from the first day of July, nineteen hundred and twenty-three, the Schedule to the Pensions (Increase) Act, 1920 (hereinafter referred to as the principal Act), shall, as respects pensions not exceeding one hundred pounds payable out of moneys provided by Parliament or out of the Education (Scotland) Fund or by police, local or other public authorities in Great Britain, have effect and be deemed to have had effect as if the percentages by which existing pensions may be increased were—

(*a*) in the case of an existing pension not exceeding twenty-five pounds a year, seventy per cent. instead of fifty per cent. (*a*);

(*b*) in the case of an existing pension exceeding twenty-five pounds a year but not exceeding fifty pounds a year, sixty-five per cent. instead of fifty per cent.; and

(*c*) in the case of an existing pension exceeding fifty pounds a year but not exceeding one hundred pounds a year, fifty per cent. instead of forty per cent.

Provided that—

(i) Where the service, or branch of the service, from which the pensioner retired is a service or branch of the service in which additional remuneration by way of bonus was paid on the said first day of July, and was reckoned for the purposes of pension, either in whole or in part, in the case of persons retiring from the said service or branch on that date, no addition shall be made to his pension by virtue of the increased percentages authorised by this section greater than such as may be sufficient to increase his pension to the pension of which he would have been in receipt on the second day of July, nineteen hundred and twenty-three, had such bonus been included amongst the salary and emoluments on which his pension was awarded and been reckoned for the purposes of pension to the extent to which it would have been reckoned if he had retired on the said first day of July.

(ii) Nothing in this Act shall affect the provisions of the said schedule other than those relating to such percentages as aforesaid.

(2) For the purposes of this section, "existing" means existing immediately before the passing of the principal Act.

(*a*) Under the Schedule to the principal Act, the increase of 50 per cent. applied to all pensions not exceeding £50 a year, that sum being the smallest classification.

2. The first statutory condition for the increase of pensions under the principal Act (which provides that the pensioner must reside in the British Islands) shall cease to have effect.

3.—(1) As from the first day of July, nineteen hundred and twenty-three, all pensions granted by a police, local or other public authority in Great Britain to pensioners to whom the principal Act applies and in whose case the conditions laid down by that Act are fulfilled, shall, so long as those conditions continue to be fulfilled, be increased by the pension authority up to the maximum amount authorised by the principal Act as amended by this Act.

(2) Any order made by the Treasury under section three of the principal Act may contain such consequential and supplemental provisions as appear necessary or expedient for securing the effective operation of the order, and any such order may be revoked, varied, or amended by an order made in like manner.

4. This Act shall be construed as one with the principal Act, and may be cited as the Pensions (Increase) Act, 1924, and the principal Act and this Act may be cited together as the Pensions (Increase) Acts, 1920 and 1924.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

STATUTORY RULES AND ORDERS, 1924, No. 628.

THE LOCAL GOVERNMENT OFFICERS' SUPERANNUATION (TEACHERS) ORDER, 1924, DATED 21ST JUNE, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECT. 16 (3) OF THE LOCAL GOVERNMENT AND OTHER OFFICERS' SUPERANNUATION ACT, 1922.

* * * * * *

2. Where an officer or servant has served successively as a teacher and on an administrative staff and in the calculation or payment of any superannuation allowance under the Local Government and other Officers' Superannuation Act, 1922, account has to be taken of any capital sum paid or payable to him or her under any enactment for the time being relating to the superannuation of school teachers, account shall be taken of such capital sum in manner following, that is to say :—

> The amount of any annual superannuation allowance payable under any enactment relating to the superannuation of school teachers shall be deemed to be increased by an annual sum equal to the amount of such capital sum divided by the factor in the table set forth in the Schedule to this Order appropriate to the sex of the officer or servant and his or her age at the date on which the said capital sum became or becomes payable.

SCHEDULE.

Age.	Factor.	
	Men.	Women.
Under 60 years..	10·0	11·0
60 years but under 61 years	10·5	11·5
61 „ „ 62 „	10·1	11·2
62 „ „ 63 „	9·8	10·8
63 „ „ 64 „	9·5	10·4
64 „ „ 65 „	9·2	10·0
65 „ „ 66 „	9·0	9·6

STATUTORY RULES AND ORDERS, 1924, No. 627.

THE LOCAL GOVERNMENT OFFICERS' SUPERANNUATION (TRANSFER VALUE) RULES, 1924, DATED 21ST JUNE, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECT. 8 OF THE LOCAL GOVERNMENT AND OTHER OFFICERS' SUPERANNUATION ACT, 1922.

68,967.

PART I.

General.

1. These Rules may be cited as the Local Government Officers' Superannuation (Transfer Value) Rules, 1924.

2.—(1) In these Rules unless the context otherwise requires—

" The Act " means the Local Government and other Officers' Superannuation Act, 1922 ;

" The Minister " means the Minister of Health ;

" Officer " includes " servant," and " salary " includes " wages " ;

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. In the case of an officer who at the date of transfer is employed in whole-time service a period of part-time service shall be treated for the purposes of these Rules as though it were whole-time service for a proportionately reduced period.

PART II.

Transfer Values under Sect. 8 (1) *of the Act.*

4. The transfer value payable under Sect. 8 (1) of the Act by a local authority who have adopted the Act shall be the transfer value, if any, in respect of the officer's contributing service as ascertained under the First Schedule to these Rules added to the transfer value, if any, in respect of the officer's non-contributing service as ascertained under the Second Schedule thereto.

5. The foregoin Rules shall not apply to the case of an officer

to whom a scheme made by any local authority under Sect. 24 of the Act applies. The transfer values payable in respect of such officer and of any other officer for whose case no provision is otherwise made by these Rules shall be such as the Minister may in each case determine on the basis of the tables contained in the schedules to these Rules with such modifications, if any, as the circumstances of the case may in his opinion require.

PART III.

Sums in lieu of transfer values payable under Sect. 8 (2) of the Act.

6. Subject to the provisions of Sect. 8 (2) of the Act an officer who transfers from the service of a local authority who have not adopted the Act (hereinafter referred to as the "non-adopting authority") to a designated post in the service of a local authority who have adopted the Act (hereinafter referred to as the "adopting authority") shall be entitled to reckon service with the non-adopting authority if he pays, in lieu of transfer value, a sum equal to a transfer value calculated in respect of him in accordance with Part II. of these Rules and the schedules thereto as modified in the following manner:—

(*a*) Any service in the employment of the non-adopting authority before the date on which the post to which the officer is transferring became an established post for the purposes of the Act shall be deemed to have been non-contributing service, and any service in the employment of that authority on or after that date shall be deemed to have been contributing service;

(*b*) The date of transfer means the date on which the officer's service in the employment of the adopting authority commences and the officer's salary is to be calculated at the annual rate payable to him by that authority at that date.

7.—(1) Subject as aforesaid the officer shall, if he so desires, be entitled to reckon a part only of his service with the non-adopting authority upon payment of a proportionate part of the sum which would be payable under the last preceding rule if the whole of such service were to be reckoned, but in that event the respective periods for which he is to be deemed to have been employed in non-contributing and contributing service shall be proportionately reduced, and the date on which he is to be deemed to have entered into contributing service shall be correspondingly deferred.

(2) Any period of six months or more which is obtained as a result of reducing the period of non-contributing service under this rule shall be reckoned as a year.

8.—(1) Any sum payable by an officer under either of the last two preceding rules may be paid in a lump sum or by such instalments as may be agreed between him and the authority: Provided that the first instalment shall be not less than one-tenth of the total sum payable and shall be payable within one year from the date of his entering the service of the adopting authority and that the whole of the instalments shall be payable within a period of ten years from that date. Interest at the rate of 4 per cent. per annum with half-yearly rests shall be payable upon the amount for the time being unpaid.

(2) If at the date on which the officer dies or ceases to hold employment under the authority any such instalment remains to be paid, the amount of such instalment with any interest which has accrued thereon shall be deducted from any sum to be paid to or in respect of the officer under Sect. 10, 11, 12 or 17 of the Act by way of return of contributions.

(3) If any such instalment remains to be paid at the date on which the officer becomes entitled to a superannuation allowance, the amount thereof (with accrued interest) shall be deducted from the payment or payments of superannuation allowance made next after the instalment has become due until the whole sum is recovered.

(4) If at the date on which the officer ceases to hold employment under the authority or dies, as the case may be, the amount of any instalments (with accrued interest) remaining to be paid exceeds the sums recoverable by deduction under paragraphs (2) and (3) of this article, the balance of the debt shall be treated as cancelled.

9. For the purpose of calculating the amount which may be paid to or in respect of an officer under Sect. 9, 10, 11, 12 or 17 of the Act by way of return of contributions, one-half of the sum payable by him under Sect. 8 (2) of the Act shall be treated as though it were contributions which had been paid by him to the Superannuation Fund of the adopting authority at the date on which he entered the service of the authority.

10. If an officer by whom a sum is payable under Sect. 8 (2) of the Act transfers, before the whole of the instalments of the sum and interest thereon are paid, to the service of another local authority who have adopted the Act and a transfer value is payable in respect of him, the right to receive the amount unpaid shall be deemed to be transferred to that other authority from the authority from whose service the officer has transferred, and notwithstanding anything contained in Part I. of these Rules the amount of the transfer value payable by the last mentioned authority shall be adjusted in such manner as may in the opinion of the Minister be required.

FIRST SCHEDULE.

Transfer value in respect of contributing service.

To ascertain the transfer value in respect of contributing service multiply the amount shown in column (2) of the subjoined Table I. as appropriate to the officer's age at the date of transfer by the number of completed years of the officer's contributing service, and multiply the corresponding amount in column (3) of the Table by the number of completed months of contributing service additional to any completed years. The sum of these two products is the transfer value for each £100 of salary and the transfer value in respect of the officer will be calculated proportionately by reference to his actual salary. For the purpose of this calculation the date of transfer means the date on which the officer's service in the employment of the authority by whom the transfer value is payable terminated, and the officer's salary is to be calculated at the annual rate payable to the officer by that authority at that date.

TABLE I.

Age at date of transfer. (1)	Amount for each £100 of salary in respect of each completed period of contributing service. Year. (2)		Month. (3)	
	£	s.	£	s.
Under age 25	8	5		14
25 and under 30	8	10		14
30 „ „ 35	8	15		15
35 „ „ 40	9	0		15
40 „ „ 41	9	5		15
41 „ „ 42	9	5		15
42 „ „ 43	9	10		16
43 „ „ 44	9	10		16
44 „ „ 45	9	15		16
45 „ „ 46	10	0		17
46 „ „ 47	10	5		17
47 „ „ 48	10	10		18
48 „ „ 49	10	15		18
49 „ „ 50	11	0		18
50 „ „ 51	11	5		19
51 „ „ 52	11	10		19
52 „ „ 53	11	15	1	0
53 „ „ 54	12	0	1	0
54 „ „ 55	12	5	1	0

SECOND SCHEDULE.

Transfer value in respect of non-contributing service.

In cases where an officer is transferring from the service of an authority whose payment to the Superannuation Fund under Sect. 18 (1) (*e*) of the Act is calculated on the basis of a period of 40 years the transfer value in respect of non-contributing service is to be ascertained by multiplying the amount shown in the subjoined Table II. as appropriate to the officer's age at the date of transfer and years of contributing service by the number of completed years of the officer's non-contributing service, a portion of a year exceeding six months being reckoned as a year. The product is the transfer value for each £100 of salary, and the transfer value in respect of the officer will be calculated proportionately by reference to his actual salary. The date of transfer has the same meaning as in the First Schedule, and the salary is to be calculated in the same manner.

TABLE II.

Age at date of transfer.	Years of contributing service.																											
	Under 1 year.			1 year and under 2 years.			2 years and under 3 years.			3 years and under 4 years.			4 years and under 5 years.			5 years and under 6 years.			6 years and under 7 years.			7 years and under 8 years.			8 years and under 9 years.			9 years and under 10 years.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Under age 25	0	2	0	0	6	0	0	10	0	0	14	0	0	18	0	1	1	0	1	4	0		—			—			—	
25 and under age 30	0	2	0	0	6	0	0	9	0	0	13	0	0	16	0	0	19	0	1	2	0	1	5	0	1	8	0	1	11	0
30 „ „ 35	0	2	0	0	5	0	0	9	0	0	12	0	0	15	0	0	18	0	1	1	0	1	4	0	1	7	0	1	9	0
35 „ „ 36	0	2	0	0	5	0	0	9	0	0	12	0	0	15	0	0	18	0	1	1	0	1	4	0	1	7	0	1	10	0
36 „ „ 37	0	2	0	0	5	0	0	9	0	0	12	0	0	15	0	0	19	0	1	2	0	1	4	0	1	7	0	1	10	0
37 „ „ 38	0	2	0	0	5	0	0	9	0	0	12	0	0	16	0	0	19	0	1	2	0	1	5	0	1	7	0	1	10	0
38 „ „ 39	0	2	0	0	6	0	0	9	0	0	12	0	0	16	0	0	19	0	1	2	0	1	5	0	1	8	0	1	10	0
39 „ „ 40	0	2	0	0	6	0	0	9	0	0	13	0	0	16	0	0	19	0	1	2	0	1	5	0	1	8	0	1	11	0
40 „ „ 41	0	2	0	0	6	0	0	9	0	0	13	0	0	16	0	0	19	0	1	3	0	1	6	0	1	8	0	1	11	0
41 „ „ 42	0	2	0	0	6	0	0	9	0	0	13	0	0	16	0	1	0	0	1	3	0	1	6	0	1	9	0	1	12	0
42 „ „ 43	0	2	0	0	6	0	0	10	0	0	13	0	0	17	0	1	0	0	1	3	0	1	6	0	1	9	0	1	12	0
43 „ „ 44	0	2	0	0	6	0	0	10	0	0	13	0	0	17	0	1	0	0	1	4	0	1	7	0	1	10	0	1	13	0
44 „ „ 45	0	2	0	0	6	0	0	10	0	0	14	0	0	17	0	1	1	0	1	4	0	1	7	0	1	10	0	1	13	0
45 „ „ 46	0	2	0	0	6	0	0	10	0	0	14	0	0	18	0	1	1	0	1	5	0	1	8	0	1	11	0	1	14	0
46 „ „ 47	0	2	0	0	6	0	0	10	0	0	14	0	0	18	0	1	2	0	1	5	0	1	8	0	1	12	0	1	15	0
47 „ „ 48	0	2	0	0	6	0	0	11	0	0	15	0	0	18	0	1	2	0	1	6	0	1	9	0	1	12	0	1	16	0
48 „ „ 49	0	2	0	0	7	0	0	11	0	0	15	0	0	19	0	1	3	0	1	6	0	1	10	0	1	13	0	1	17	0
49 „ „ 50	0	2	0	0	7	0	0	11	0	0	15	0	0	19	0	1	3	0	1	7	0	1	11	0	1	14	0	1	18	0
50 „ „ 51	0	2	0	0	7	0	0	12	0	0	16	0	1	0	0	1	4	0	1	8	0	1	12	0	1	15	0	1	19	0
51 „ „ 52	0	2	0	0	7	0	0	12	0	0	16	0	1	1	0	1	5	0	1	9	0	1	13	0	1	16	0	2	0	0
52 „ „ 53	0	3	0	0	7	0	0	12	0	0	17	0	1	1	0	1	6	0	1	10	0	1	14	0	1	17	0	2	1	0
53 „ „ 54	0	3	0	0	8	0	0	13	0	0	17	0	1	2	0	1	6	0	1	11	0	1	15	0	1	19	0	2	2	0
54 „ „ 55	0	3	0	0	8	0	0	13	0	0	18	0	1	3	0	1	7	0	1	12	0	1	16	0	2	0	0	2	4	0

In cases where an officer is transferring from the service of an authority whose payment to the Superannuation Fund under Sect. 18 (1) (*e*) of the Act is calculated on the basis of a period of less than 40 years, the transfer value in respect of non-contributing service calculated in accordance with Table II. above is to be increased by the percentage appropriate to the length of the period as shown in the subjoined Table III.

TABLE III.

Original period of equal annual charge. Years.	Percentage increase to the amount of transfer value (non-contributing service) shown in Table II.
20	50
21	45
22	40
23	35
24	30
25	30
26	25
27	25
28	20
29	20
30	15
31	15
32	10
33	10
34	7½
35	7½
36	5
37	5
38	2½
39	0

CIRCULAR 522.

TO POOR LAW AUTHORITIES, ETC.

MINISTRY OF HEALTH,
22*nd October*, 1924.

SIR,—1. I am directed by the Minister of Health to refer to the Circular 141 issued on the 25th October, 1920, with reference to the provisions of the Pensions (Increase) Act, 1920, and in connection therewith to draw the attention of the local authority to the terms of the Pensions (Increase) Act, 1924, which received the Royal Assent on the 7th August last.

2. The principal amendments made by the new Act in the Act of 1920 are :—

(*a*) the raising of the percentages by which pensions not exceeding £100 per annum and in course of payment on 16th August, 1920, are to be increased in cases in which the statutory conditions are satisfied ; and

(*b*) the requirement that all pensions payable by local authorities affected by Orders made by the Treasury under the Act of 1920 are to be increased where the statutory conditions are satisfied in accordance with the provisions of the two Acts. It will be remembered that the effect of the Act of 1920 was to authorise but not to require the payment of an increase of pension.

3. So far as local authorities in England and Wales are concerned Treasury Orders have been made under the Act of 1920 applying the provisions of that Act to pensioners in receipt of pensions granted by the London County Council or the Metropolitan Water Board, or for the payment of which one of those authorities is responsible, and also to pensioners under the following enactments, namely :—

The Superannuation (Metropolis) Act, 1866, and the Acts amending or extending the same,

The Poor Law Officers' Superannuation Act, 1864, and the Acts amending or extending the same,

The Poor Law Officers' Superannuation Act, 1896,

Section 280 of the Lunacy Act, 1890,

The Asylums Officers' Superannuation Act, 1909,

The Asylums and Certified Institutions (Officers' Pensions) Act, 1918,

and certain local Acts. Local authorities who under those enactments have granted or are responsible for the payment of pensions are accordingly now required, in cases where the statutory conditions are fulfilled, to increase those pensions to the extent authorised by the Acts. All such increases are payable, so far as they have not already been paid by the local authority, as from the 1st day of July, 1923.

4. The new Act repeals the former provision that an increase of pension shall only be payable where the pensioner resides in the British Isles and the statutory conditions to be satisfied by an applicant for an increase of pension are, therefore, (*a*) that the pensioner has attained the age of 60 years, or retired on account of physical or mental infirmity, or, where the pensioner is a widow in receipt of a pension in respect of the service of a deceased husband, that the pensioner has attained the age of 40 years, and (*b*) that the pensioner satisfies the pension authority that his means, including his pension, are less than £150 a year if he is unmarried, or £200 a year if he is married.

5. A copy of the Schedule to the Act of 1920, which has determined the amount of increase payable under the Act, will be found attached to Circular 141. The Act of 1924 modifies the provisions of that Schedule so as to increase the percentage increase allowed from 50 per cent. to 70 per cent. in the case of an existing pension not exceeding £25 a year, from 50 per cent. to 65 per cent. in the case of an existing pension exceeding £25 a year and not exceeding £50 a year, and from 40 per cent. to 50 per cent. in the case of an existing pension exceeding £50 a year but not exceeding £100 a year.

6. The other provisions of the Schedule to the Act of 1920 continue to operate, but a new proviso is introduced by the new Act as regards officers belonging to a service or branch of a service in which bonus was being paid on 1st July, 1923. In these cases the new increases which may be given under the new Act are subjected to an over-riding rule that the pensioner shall not receive a pension greater than he would have received if his period of service (*i.e.* the number of years actually served by him) had expired on the 1st July, 1923, and he had then been pensioned. This proviso, however, does not affect such increases of pension as were or might have been paid under the Act of 1920 and are now to be paid in every case within that Act.

7. The general regulations made by the Treasury under the Act of 1920 and affecting local authorities have, in view of the passing

of the new Act, been revised and brought into conformity with the general regulations affecting Government Departments. The revised regulations are printed at the end of this circular.

8. The regulations prescribe a new form of declaration to be made by pensioners applying for increases under the Acts. The new form should be used in all cases in which fresh declarations are necessary. Where an application, accompanied by a sufficient declaration in the old form, has already been made by a pensioner for an increase in respect of any period since the 1st July, 1923, no fresh application or declaration in respect of that period is required, but the local authority should forthwith reconsider the case and grant any increase or further increase to which the pensioner is entitled. In any other case in which a pensioner may be entitled to an increase, the local authority should bring the provisions of the Acts and of the new regulations to his knowledge so that he may be enabled to make the necessary application.

9. Correspondence on subjects arising out of the Act or the regulations should be addressed not to the Treasury but to the Minister of Health.

I am, etc.

TREASURY REGULATIONS UNDER SECT. 4 OF THE PENSIONS (INCREASE) ACT, 1920, RELATING TO PENSIONERS IN RECEIPT OF PENSIONS GRANTED BY LOCAL OR OTHER PUBLIC AUTHORITIES (WITH THE EXCEPTION OF POLICE AUTHORITIES) IN GREAT BRITAIN.

1. The Treasury Regulations of 11th October, 1920, 3rd February, 1921, and 7th April, 1921, relating to pensioners in receipt of pensions granted by local or other public authorities (with the exception of police authorities) in Great Britain, are hereby repealed and the following Regulations shall, without prejudice to anything already done, be substituted therefor :—

2. The pensioners to whom these Regulations apply are pensioners who on the sixteenth day of August, nineteen hundred and twenty, were in receipt of pensions granted by local or other public authorities (with the exception of police authorities) in Great Britain, and to whom the provisions of the Pensions (Increase) Acts, 1920 and 1924 (hereinafter referred to as the Acts), have been applied or may hereafter be applied by Order under Sect. 3 of the Act of 1920, and in whose case the following statutory conditions are fulfilled :—

> The pensioner must have attained the age of sixty years or have retired on account of physical or mental infirmity, or, in the case of a pensioner who is a widow and is in receipt of a pension payable in respect of the services of her deceased husband, must have attained the age of forty years ;
>
> The pensioner must satisfy the pension authority that his means, including his pension, are less than one hundred and fifty pounds a year, if unmarried, or two hundred pounds a year, if married.

For the purposes of the statutory conditions a widower or widow with one or more children or step children under sixteen years of age dependent on him or her will be treated as married, and a widower or widow having no such children will be treated as unmarried.

3. An application for an increase of pension under the Acts shall be made to the authority by whom the pension in regard to which the increase is claimed is payable (hereinafter referred to as the pension authority).

4. An application in the case of a pensioner who fulfils the statutory conditions at the date of the Order applying the provisions of the Acts to him should be made as soon as practicable thereafter. In the case of a pensioner who fulfils the statutory conditions after the making of such an Order, the application should be made not more than three months before or as soon as may be after the statutory conditions are fulfilled.

5. Every application must be accompanied by a declaration in the form set out in Appendix I. hereto, subscribed before and attested by the clerk to the pension authority, any principal officer of the pension authority designated by them for the purpose, or any one of the persons described in the extract from the Schedule to Treasury Warrant dated 25th September, 1923 (Statutory Rules and Orders, 1923, No. 1148) which is set out in Appendix II.

6. The statements as to amounts in the declaration shall be made with reference to the twelve months preceding the date of the declaration, provided that, if the applicant shows to the satisfaction of the pension authority that there has been such a change of circumstances that his means in the ensuing year will be materially reduced, the pension authority may take such change into consideration.

7. Where in pursuance of an application an increase of pension is granted, the increase shall continue in force until the expiration of a period of twelve months from the date as from which the increase is payable unless in the meantime the pensioner dies or ceases to fulfil the statutory conditions. Provided that in the case of a first application the increase may, if the pension authority think fit and subject to the provisions of the Acts, continue in force until the end of the complete financial year next following the said date.

8. An application for the continuance and reassessment of any increase of pension, accompanied by a like declaration, shall be sent to the pension authority not more than three nor less than two months before the expiration of the first period for which the increase is granted and of every subsequent period of twelve months.

9. Where payment of an existing pension is apportioned between two or more authorities the payment of any increase of pension under the Acts shall be similarly apportioned.

10. The means of a pensioner shall for the purposes of the Acts include—

(*a*) the pension in respect of which the increase is claimed ;

(*b*) any other pension, grant, allowance, or annuity (including old age pension) received by the pensioner ;

(*c*) the annual value of any land or house property ;

(*d*) interest or dividends on stocks or shares, or on mortgages or other securities or on bank deposits ;

(*e*) profits or wages of any trade, business (including farming or husbandry), profession, office, employment or vocation, including overtime pay and bonus, if any ; and

(*f*) the annual value of any other income or of any receipts from other sources, including free maintenance received (if any).

11. For the purpose of determining the means of a pensioner,

(i) The annual value of any land or house property situate in Great Britain or Ireland shall be taken to be not less than the annual value as assessed for the purposes of income tax under schedule A, after deduction of—

(*a*) any sum by which the assessment is reduced for the purposes of collection in respect of the cost of repairs ; and

(*b*) any further sum on which income tax could be reclaimed by the owner under the provisions of the Income Tax Acts on the ground that the cost to him, on the average of the five preceding years, of the maintenance, repairs, insurance and management of the property has exceeded the amount of the reduction under (*a*).

(ii) The pension authority may, if they consider it necessary, require the pensioner to produce a certificate from the inspector of taxes in support of his claim to a deduction under paragraph (i) (b) of this regulation, and also certificates as to the assessment for income tax purposes under Schedule A of any property owned by him, or under Schedule B of any land occupied by him.

(iii) From the means of the pensioner (including the pensioner's wife or husband) other than a naval or military pension or a pension to which the Acts apply, a deduction may be made in respect of the amount of interest, ground rent, or other charges on the property or income of the pensioner. The pensioner shall produce such documentary evidence as may be required by the pension authority in support of any claim for such deduction.

A premium on a policy of insurance shall not be allowed as a deduction, except in so far as provided by the first paragraph of this regulation.

12. Where the pensioner (including the wife or husband of the pensioner) has since the 16th day of August, 1920, transferred to some other person or persons real or leasehold property, a share in a business, stocks or shares, or a sum of money exceeding £100, and it appears to the pension authority that such transfer has not been made for valuable consideration in money or money's worth, the pension authority may call on the transferor to supply a full account of the transaction, and if it appears that the transferor has reserved to himself some undisclosed benefit as part consideration for the transfer and that possession and enjoyment of the property has not been *bonâ fide* assumed and retained by the transferee to the entire exclusion of all benefit to the transferor, whether by contract or otherwise, the annual value of such benefit may be deemed to form part of the means of the transferor.

13. The pensioner shall, if and when required by the pension authority, produce any birth, death, or marriage certificate or such other documentary evidence relative to the fulfilment of the statutory conditions as the authority may consider necessary.

14. The pensioner shall notify the pension authority immediately on the occurrence of any of the following events :—

(*a*) The marriage or remarriage of the pensioner.

(*b*) The death of the wife or husband of the pensioner.

(*c*) The death or the attainment of the age of 16 years of any dependent child or step-child under 16 years of age of a widower or widow.

(*d*) The increase of the means (either through earnings or other-

wise) of an unmarried pensioner to a rate in excess of £150 per annum, including the addition allowed under the Acts.

(*e*) The increase of the means of a married pensioner, either through earnings or otherwise (including the means of both husband and wife) to a rate in excess of £200 per annum, including the addition allowed under the Acts.

(*f*) The obtaining by the pensioner or the wife or husband of the pensioner of fresh paid employment of a regular character. The name and address of the employer shall be notified to the pension authority.

15. Where the pension authority is satisfied by the certificate of a justice of the peace, or minister of religion and of a duly qualified medical practitioner, that a pensioner is of unsound mind or otherwise incapable of making a declaration in the prescribed form, it may accept a declaration made on behalf of the pensioner by any person who appears to the authority a proper person to represent the pensioner.

9th October, 1924.

APPENDICES.

* * * * * *

S. R. AND O., 1924, No. 1156.

TREASURY REGULATIONS, DATED 18TH NOVEMBER, 1924, UNDER SECT. 4 OF THE PENSIONS (INCREASE) ACT, 1920, RELATING TO POLICE PENSIONS.

1. The Treasury Regulations of the 11th October, 1920, are hereby repealed and the following shall, without prejudice to anything already done, be substituted therefor.

2. The pensioners to whom these Regulations apply are pensioners who, on the 16th day of August, 1920, were in receipt of pensions granted—

under the Metropolitan Police Acts, 1829 to 1909 ;

under the Police Acts, 1839 to 1910 ;

under the Police (Scotland) Act, 1890, and the Police (Scotland) Act, (1890) Amendment Act, 1910 ;

under the City of London Police Act, 1839, the City of London Police Act, 1874 ; and the City of London Police (Superannuation) Acts, 1889 and 1894 ;

under the Special Constables Act, 1914 ;

under the Police (Naval and Military Service) Acts, 1914 and 1915 ;

and in whose case the following statutory conditions are fulfilled :—

(i) the pensioner must have attained the age of 60 years or have retired on account of physical or mental infirmity, or, in the case of a pensioner who is a widow and is in receipt of a pension payable in respect of the services of her deceased husband, must have attained the age of 40 years ;

(ii) the pensioner must satisfy the pension authority that his means, including his pension, are less than £150 a year, if unmarried, or £200 a year, if married.

For the purpose of the statutory conditions—

(*a*) in the case of a pensioner who is married his means shall be deemed to include the means of both husband and wife ;

(*b*) a widower or widow with one or more children or step-children under 16 years of age dependent on him or her shall be treated as married, and a widower or widow having no such children shall be treated as unmarried.

3. The means of a pensioner shall be assessed by reference to his circumstances during the twelve months preceding the date of the application, provided that if it appears to the pension authority that the pensioner's means in the ensuing twelve months are likely to be materially reduced, the pension authority may take any such alteration into account.

4. An application for an increase of pension under the Pensions (Increase) Acts, 1920 and 1924 (hereinafter referred to as the Acts), shall be made to the authority through whom the existing pension is payable (hereinafter referred to as the pension authority).

5. An application in the case of a pensioner who fulfils the statutory conditions at the date of the making of these regulations shall be made as soon as practicable. In the case of a pensioner who hereafter fulfils the statutory conditions, the application shall be made not more than three months before, or as soon as may be after, the statutory conditions are fulfilled.

6. Subject to the provisions of Regulation 9 of these regulations, an application for the continuance or reassessment of an increase of pension shall be made on 1st March in each year, or within one week before or after that date, in the prescribed form, and must be accompanied by a statement of the means of the pensioner.

7. Every application must be accompanied by a declaration in the form set out in the Schedule hereto. Such declaration shall be signed before and attested by one of the following persons, that is to say :—

A Justice of the Peace.
A Commissioner for Oaths.
A Commissioned Officer (not below the rank of Lieutenant-Commander in the Navy or Major in the Army).
A Barrister-at-Law.
A Minister of Religion.
A Bank Manager (or, in Scotland, a Bank Agent).
A Medical Practitioner.
A Collector of Customs and Excise.
An Inspector of Taxes.
A Police Officer not below the rank of Sergeant.

In the case of a pensioner residing abroad the declaration shall be signed before and attested by a person competent to attest a declaration required to be made in connection with the pensioner's original pension.

8.—(i) The statement in the declaration as to the means of the applicant shall be made in respect of the twelve months preceding the date of the declaration.

(ii) The means of a pensioner shall for the purposes of the Acts include :—

(*a*) the pension in respect of which the increase is claimed ;

(*b*) any other pension, grant, allowance or annuity (including old age pension) received by the pensioner;
(*c*) the annual value of any land or house property;
(*d*) interest or dividends on stocks or shares or on mortgages or other securities or on bank deposits;
(*e*) profits or wages of any trade, business (including farming or husbandry), profession, office, employment, or vocation, including overtime pay and bonus, if any; and
(*f*) the annual value of any other income or of any receipts from other sources, including free maintenance received (if any).

9. Subject to the provisions of the Acts, the first grant of any increase of pension shall be payable as from the date when the statutory conditions were fulfilled, and any subsequent grant shall be payable as from 1st April; and the grant shall continue until 31st March next following, unless in the meantime the pensioner dies or ceases to fulfil the statutory conditions. Provided that where the pension authority are satisfied that there has been a material reduction in the income of a pensioner during the currency of a grant and that such reduction is likely to be permanent, they shall permit the pensioner to make a fresh application on the prescribed form and shall reassess the grant accordingly.

10. The pensioner shall notify the pension authority immediately on the occurrence of any of the following events, quoting his pension number:—

(*a*) The marriage or re-marriage of the pensioner;
(*b*) the death of the wife or husband of the pensioner;
(*c*) the death or the attainment of the age of 16 years of any dependent child or stepchild under 16 years of age of a widower or widow;
(*d*) any increase in the income of the pensioner or the pensioner's wife or husband from any source, including earnings from paid employment of a regular character, by which
  (i) if the pensioner is unmarried, his total means are increased to a rate in excess of £150 a year, or
  (ii) if the pensioner is married, the total means of both husband and wife are increased to a rate in excess of £200 a year,
the means to be reckoned in each case as including any increase of pension granted under the Pensions (Increase) Acts.

11. For the purpose of determining the means of a pensioner:—
(i) The annual value of any land or house property situate in Great Britain or Ireland shall be taken to be not less than the annual value as assessed for the purposes of income tax under Schedule A, after deduction of—
  (*a*) any sum by which the assessment is reduced for the purposes of collection in respect of the cost of repairs; and
  (*b*) any further sum on which income tax could be reclaimed by the owner under the provisions of the Income Tax Acts on the ground that the cost to him, on the average of the five preceding years, of the maintenance, repairs, insurance and

management of the property has exceeded the amount of the reduction under the preceding clause (*a*).

(ii) The pension authority may, if it considers it necessary, require the pensioner to produce a certificate from the inspector of taxes in support of his claim to a deduction under paragraph (i) (*b*) of this regulation, and also certificates as to the assessment for income tax purposes under Schedule A of any property owned by him, or under Schedule B of any land occupied by him.

(iii) From the means of the pensioner (including the pensioner's wife or husband), other than a naval or military pension or a pension to which the Pensions (Increase) Acts apply, a deduction may be made in respect of the amount of interest, ground rent, or other charges on the property or income of the pensioner. The pensioner shall produce such documentary evidence as may be required by the pension authority in support of any claim for such deduction.

(iv) A premium on a policy of insurance shall not be allowed as a deduction, except in so far as provided by paragraph (i) of this regulation.

12. If the pensioner (including the wife or husband of the pensioner) has since the 16th day of August, 1920, transferred to some other person or persons real or leasehold property, a share in a business, stocks or shares, or a sum of money exceeding £100, and it appears to the pension authority that such transfer has not been made for valuable consideration in money or money's worth, the pension authority may call on the transferor to supply a full account of the transaction ; and if it appears that the transferor has reserved to himself some undisclosed benefit as part consideration for the transfer and that possession and enjoyment of the property has not been *bonâ fide* assumed and retained by the transferee to the entire exclusion of all benefit to the transferor, whether by contract or otherwise, the annual value of such benefit may be deemed to form part of the means of the transferor.

13. The pensioner shall, as and when required by the pension authority, produce any birth, death, or marriage certificate or such other documentary evidence relative to the fulfilment of the statutory conditions as the authority may consider necessary.

14. Where the pension authority is satisfied by an Order of Court or by the certificate of a justice of the peace or a minister of religion, and of a duly qualified medical practitioner, that a pensioner is of unsound mind or otherwise incapable of making a declaration in the prescribed form, it may accept a declaration made on behalf of the pensioner by any person who appears to the authority a proper person to represent the pensioner.

15. Subject to the provisions of the Acts, any increase of pension shall be paid in the same manner and on the same conditions as the existing pension ; and where the payment of an existing pension is apportioned between two or more police authorities, the payment of any increase shall be similarly apportioned.

SCHEDULE.

* * * * * *

III.—CASES.

Poor Law Officer—Remuneration—War Bonus—Superannuation—Calculation of—Power to Contract out of—Poor Law Officers (Superannuation) Act, 1896.]—The plaintiff was an attendant on imbeciles in the employ of the defendants from 1908 to 1922, when he retired. In 1918 a war bonus was added to his remuneration. Two per cent. was deducted from his salary during the time of his employment under the Poor Law Officers (Superannuation) Act, 1896. The grant of the bonus was made conditional on no such deduction therefrom being made and no rights under that Act being acquired. The plaintiff was told that if he did not reply to the circular which was sent him he would be deemed to have accepted these terms. A further circular sent in 1919 intimated that if he were not satisfied with the amount of the bonus he might appeal to a committee. He did not reply to either circular nor did he appeal. On his retirement he was paid fourteen-sixtieths of his average salary for the last five years, but nothing in respect of bonus. He tendered £12, which he contended ought to have been deducted from the bonus, and claimed to have this bonus brought into the account. This was declined by the defendants. Hence this action.

HELD—notwithstanding the compulsory nature of the Act, that there was nothing in it to prevent contracting out. Although his silence did not imply consent, the plaintiff had received the bonus without deduction. He had in fact contracted out. The action therefore failed.

DEWHURST *v.* SALFORD GUARDIANS, [1924] W. N. 322; 41 T. L. R. 151; 158 L. T. Jo. 452; 88 J. P. Jo. 734; *sub nom.* DEWHURST *v.* STOCKPORT GUARDIANS, 59 L. Jo. 790—Astbury, J.

(This decision has since been reversed in C. A.—"*Times*," 1st May, 1925).

IV.—DEPARTMENTAL DECISIONS.

Teachers Absent on War Service.

A local education authority asked the Board of Education what contributions (if any) should be deducted from teachers' salaries in the following circumstances, having regard to Sect. 1 (1) of the School Teachers (Superannuation) Act, 1922, and Rule 3 of the Board of Education (Contributory) Rules. It was the practice of the authority when a teacher was absent owing to illness attributable to "war service," to grant full pay under the authority's sick pay regulations less such pay or allowance as the teacher might receive from Government authorities, or any public fund in respect of the period for which the authority's pay was granted. The question to be decided was in respect of what amount of salary, superannuation contributions under the Act of 1922 should be calculated, for such period as could be recognised under the School Teachers Superannuation (Amending) Rules, 1922—*i.e.*, whether on the amount of the full pay prior to the deduction of the Government allowance, etc., or on the actual amount paid by the authority? In the latter event the question arose whether it was to be understood that the proviso to Sect. 1 (1) of the Act of 1922 applied.

The Board of Education replied that in the cases referred to superannuation contributions for such portions of the period of absence as might be treated as recognised service should be calculated on the actual amount paid by the council, the proviso to Sect. 1 (1) of the School Teachers (Superannuation) Act, 1922, being applied where necessary as in other cases of sick-leave on less than full salary.

TAXATION OF COSTS.

See "ACTIONS."

TELEGRAPHS AND TELEPHONES.

I.—STATUTES.

See under "Act of Parliament" as to the continuance of the Wireless Telegraphy Act, 1904, by the Expiring Laws Continuance Act, 1924.

III.—CASES.

Non-negligent Injury to Telegraphic Line—Liability for—"Person"—Telegraph Act, 1878, *s.* 8.]—By Sect. 8 of the Telegraph Act, 1878: "Where any undertakers, body, or person, by themselves or by their agents, destroy or injure any telegraphic line of the Postmaster-General, such undertakers, body, or person shall not only be liable to pay to the Postmaster-General such expenses (if any) as he may incur in making good the said destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall be liable to a fine not exceeding twenty pounds per day for every day during which such interruption continues." By Sect. 2: "The expression 'telegraph line' means telegraphs, posts, . . . and also any . . . apparatus . . . used for the purpose of transmitting telegraphic messages." The defendants' servant while driving their motor lorry along a public highway caused it, without any negligence on his part, to come into collision with a fire alarm post belonging to the Postmaster-General and thereby injured the post. In an action by the Postmaster-General under the above section to recover the expenses of making good the injury:

HELD—that the word "person" must be read, not as limited to persons who had special statutory rights in the highway which might come into conflict with the corresponding rights of the Postmaster-General, but in its natural and unrestricted sense as including all persons exercising their common law right of passage; and that the defendants were liable to make good the damage done.

Per Scrutton, L.J.: *Qu.*, whether the defendants would have been liable if the collision, instead of being directly caused by the act of their servant, had been brought about by the act of a third person forcing the lorry against the post, or by the lorry getting out of the driver's control.

POSTMASTER-GENERAL *v.* BECK AND POLLITZER, [1924] 2 K. B. 308; 93 L. J. K. B. 1017; 131 L. T. 750; 88 J. P. 137; 68 Sol. Jo. 883; 22 L. G. R. 657—C. A.

THAMES CONSERVANCY.

See "RIVERS."

TOWN PLANNING.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

MODEL CLAUSES FOR SCHEMES.*

Supplement No. 1 was issued by the Ministry of Health in January, 1924, with the note that the existing editions of the Model Clauses would subsequently be revised and that the additions and amendments in this, and later supplements, would be incorporated.

One important clause in Supplement No. 1 is the following :—

"NOTICE OF COMMENCEMENT AND COMPLETION OF STREETS :

"(1) Any person who proposes to lay out or to construct a street shall, before commencing to do so, give notice to the council of the date on which he proposes to commence the work.

"If this notice is not given and the duly authorised officer of the council, on inspecting any work in connection with the street, finds that the work is so far advanced that he cannot ascertain whether anything has been done or omitted contrary to the provisions of this scheme or to the conditions upon which approval of the street has been granted, the officer may give notice, within a reasonable time after inspection, to such person requiring him, within a reasonable time to be specified in the notice, to remove, lay open, or pull down so much of the work as prevents the officer from ascertaining whether anything has been done or omitted as aforesaid.

"If the said person fails or refuses to comply with the requisition, the council may themselves remove, lay open, or pull down so much of the work as aforesaid and may recover from him the expenses incurred by them.

"(2) Every person who has laid out or constructed a street shall give notice thereof to the council within a reasonable time after the completion of the lay out or construction."

Another new clause in the supplement is intended for use where the standard specifications of street works and materials are prescribed in a scheme. It is proposed that a series of standard specifications for different types or grades of street should be set out in a schedule to the scheme, and that the council should take power to make an order, with the approval of the Minister of Health, to vary the specifications as included in such Schedule.

An important amendment of the model clauses relating to appeals empowers the Minister to refuse to entertain appeals which are "obviously frivolous or clearly not justified," and to this end requires prospective appellants to obtain his leave before appealing to him.

* See also "Local Government, 1923," p. 431.

TOWN PLANNING IN ENGLAND AND WALES.

A BRIEF DESCRIPTION BY THE MINISTRY OF HEALTH OF THE GENERAL OBJECTS, SCOPE AND CONTENTS OF TOWN-PLANNING SCHEMES UNDER THE TOWN PLANNING ACTS, 1909 TO 1923, AND OF THE PROCEDURE TO BE FOLLOWED IN PREPARING THEM.

[Copies of this booklet are obtainable from usual sources, price 4*d*. each.]

I.—INTRODUCTION.

1. The Minister of Health is frequently asked for a brief statement of the general scope and object of town-planning schemes and of the procedure to be followed in preparing them. The present publication is designed to meet this need.

The preparation of a town-planning scheme does not imply, as is sometimes supposed, an intention to cover the whole of the land in question with buildings or to make a somewhat elaborate housing scheme, nor does it necessarily involve the local authority in immediate expenditure on works of any kind.

Its object is to provide that development, if and when it takes place, shall be in accordance with a plan which has been prepared in the interests of the community as a whole, industrial and commercial as well as residential, land owners as well as tenants, and thus help to secure for the future, so far as reasonable foresight can do so, the welfare and prosperity of the district and its inhabitants.

The plan should fix, in broad outline, the areas to be used for industry, business and residence, the principal roads and open spaces, the number of buildings to the acre, and similar matters.

2. The object aimed at can be achieved only if the plan adopted meets with the general support of all classes of the community, and it is, therefore, of the utmost importance that a local authority should, from and even before the inception of its plan, consult every interest likely to be affected. It is worthy of note that in America it is in most cases the business interests which have taken the initiative in the matter, and it should be realised that the need and advantages of town planning may be even greater for industry and commerce than for dwelling-houses and residential amenities.

II.—LOCAL AUTHORITIES RESPONSIBLE FOR PREPARATION OF SCHEMES.

3. Town-planning schemes may be prepared by the council of any borough (other than a metropolitan borough) or urban or rural district; in London, the London County Council is the authority.

All urban authorities having a population over 20,000 are required to prepare and submit a town-planning scheme by the 1st January, 1929.

The Minister may also, if he thinks it necessary, after holding a public inquiry, require any town-planning authority to prepare a scheme and, if the authority fails to do so, may himself act or, in the case of a borough or urban district of less than 20,000 population

or a rural district, may empower the county council to act in the place and at the expense of the local authority.

4. It should not be presumed that it is only the larger or more populous districts which need town planning. The small town or rural district may be in as much need of the protection of its amenities, the promotion of its industrial and business possibilities, or the better road system which might be assured by means of a town plan, as any large borough or urban district.

Adjoining authorities may form a joint committee to prepare a plan for the whole "region" covered by the town-planning areas of the several districts.

III.—INITIAL WORK.

5. Before a council takes any formal steps in the preparation of a town-planning scheme, there should be careful consideration of the lines upon which they propose to proceed, based on adequate knowledge of the existing conditions and their causes and on as sound a forecast as possible of the broad outlines of future development.

For this purpose the necessary information as to the district in question must be collected and made available in a convenient form, especially such as relates to its physical characteristics, the history of its growth, the present surface utilisation (whether for industries, business, residences, agriculture, or recreation), the existing road, rail, tramway or other communications and the extent of traffic on each important route, the existing provision for public services, the social conditions, and the principal occupations of the population.

6. Much of this information will be already in the possession of the local authority, though it is not always so arranged as to be immediately available for the purpose. Elaborate and expensive investigations are not as a rule required, but the preparation of a scheme cannot be satisfactorily undertaken without some preliminary survey of a broad and simple kind along the lines indicated.

In the case of a region, it is less likely that the information will be so arranged as to serve the purpose of the regional planner, and it is usual, therefore, for a joint committee to have to put together in the required form the information obtained from its constituent local authorities or from other sources.

There are several instances where much work has already been done on regional surveys which should be of great service to regional planners. The field is also one in which effective use can be made of voluntary assistance, where available and properly organised.

7. In a subsequent section an explanation is given of the requirements of the regulations in the matter of granting opportunities for representation and objection throughout the preparation of the scheme.

It is, however, important to realise that, as previously indicated, the goodwill of all affected interests should be obtained, to the fullest possible extent, at the very outset of the proceedings. The announcement, in any formal manner, of the intention of a local authority to prepare a scheme of development, may of itself provoke opposition, which would have been avoided if the interests

concerned had understood that the intention was to prepare a scheme with their co-operation.

By means of friendly consultations at this early stage, a mutual understanding can often be arrived at, which will ease the progress of the scheme at all its subsequent stages and go far to prevent difficulties in its enforcement.

Moreover, the views of interested persons of knowledge and experience should be obtained in order to secure as broad a basis as possible on which to forecast the future development of the district, for it is upon this forecast that the plan must largely depend.

IV.—AREA TO BE PLANNED.

8. The first formal step to be taken by a local authority is to pass a resolution (under Sect. 42 of the Act of 1919) deciding to prepare a scheme and showing, by reference to a map, the precise area which it is intended to include in the scheme.

This resolution does not require the approval of the Minister (unless it extends to land outside the area of the local authority), but the local authority, in selecting the area, must remember that, with two exceptions, the land for which a scheme may be made under the Acts must be land " which is in course of development or appears likely to be used for building purposes."

The two exceptions are as follows :—

(1) An area of built-up land can be included in a scheme, if it can be shown that the planning of that area is essential to the proper planning of the land not yet developed. The Acts do not contemplate that large areas of built-up land shall be included in a scheme under this provision.

(2) By the Act of 1923 the Minister can authorise a scheme to be made for a built-up area, where this is desirable in order to preserve the existing character of the locality on account of the special architectural, historic, or artistic interest attaching to it.

V.—PLANNING OF LAND IN DISTRICT OF ANOTHER AUTHORITY.

9. If a local authority desire to town plan land outside their own district, they can include such land in their resolution, but in this case the resolution will not have effect unless and until it is approved by the Minister.

Where a local authority propose to plan land outside their own district, it is obviously desirable that they should consult the authority of the outside district, and also the county council in the case of land within a county area, before taking any action, and that there should be the fullest co-operation possible between them with regard to any contemplated proposals.

In view of the intimate connection between a town-planning scheme and the ordinary sanitary administration of a district, it will usually be found that the scheme, by whatever authority prepared, can in the main best be enforced and carried out by the respective sanitary authorities themselves in their own areas, subject to any special agreements in the matter between the authorities concerned.

VI.—Effect of Resolution to Prepare a Scheme: Interim Development.

10. The passing of a resolution does not give the local authority immediate power to enforce any town-planning provisions or restrictions, nor does it preclude the carrying out of private development in accordance with existing bye-laws and statutory provisions.

It does, however, directly affect land owners and prospective builders, in that any buildings or works undertaken after the date of the resolution without the permission of the local authority (or of the Minister on appeal) may be pulled down, removed or altered without compensation, if they contravene the scheme as finally approved.

This provision does not apply to work done for the purpose of finishing a building or carrying out a contract entered into before the resolution.

11. Any person who proposes to erect buildings or execute other works on land covered by a resolution to prepare a scheme should, therefore, apply to the local authority for permission if he wishes to be protected against the risk of interference with his development without compensation under the scheme. The General Interim Development Order, 1922, made by the Minister, empowers local authorities to permit development on compliance with any reasonable requirements they may impose, pending the preparation and approval of a scheme. Any person aggrieved by the neglect or refusal of the local authority to grant permission or by any conditions they impose, can appeal to the Minister.

It is particularly desirable that no obstacles should be placed in the way of proposed development unless it is clearly and seriously detrimental to local needs or interests. It must be realised that it would not be fair to private interests for the local authority to be as strict in their requirements while the scheme is being prepared as they will be when the scheme has been settled after full consultation with all concerned.

Agreements may be provisionally made with owners for the development of estates pending the settlement of a scheme, and may later be covered by and form part of the scheme submitted to the Minister for approval. Where neighbouring owners are likely to be affected by any such agreements, they should be consulted before the agreement is made.

VII.—Preparation of Preliminary Statement of Proposals for Development.

12. When a local authority has passed a resolution to prepare a scheme, it is then their duty to submit to the Minister within six months of the date of their resolution, or such other period as may be allowed, a " Preliminary Statement " of their proposals in regard to the principal matters to be dealt with in the scheme, illustrated by a map. This map may usually be prepared on the 6-inches-to-the-mile Ordnance maps.

Before the statement is submitted to the Minister, it must be deposited and advertised locally, and any representations and objections must be considered.

VIII.—SCOPE OF PRELIMINARY STATEMENT.

13. The particulars to be included in the Preliminary Statement are confined to the essentials of town planning, namely :—

(1) Character of buildings to be permitted in different parts of the area (*e.g.* whether industrial buildings, business premises, dwelling-houses, shops, or public buildings).
(2) The principal new streets or roads and the widening of any existing streets or roads, together with building lines thereon. It is desirable also to include any proposed building lines on existing main roads.
(3) Roads, streets, or ways which it is proposed to stop up or divert.
(4) Density of buildings (number of dwelling-houses to the acre).
(5) Proportion of site to be covered by buildings.
(6) Height of buildings.
(7) Areas proposed to be reserved for large open spaces, allotments, and the like.

The following is a short explanation of the considerations on which the proposals made under these headings should be based.

(1) *Character of Buildings.*

14. The allocation of different parts of an area for different purposes—known as " zoning "—is one of the principal objects of town planning.

" Character zoning " should be directed, so far as is compatible with the reasonable interests of owners, to securing, for instance, that land particularly suited, and likely to be needed, for industrial or other business purposes (such as land adjoining a railway or canal) is reserved for that use, and that land specially well adapted and required for housing is protected accordingly, so that residential amenities shall not be spoiled by the needless incursion of industrial or business undertakings.

Great care should be paid to the allocation of land for industrial and other business purposes, for this is often the pivot of the whole scheme.

15. A goodly measure of elasticity should generally be sought in " character zoning." For instance, it would not be wise to allocate land *exclusively* for industries, even though it be exceptionally well adapted for them, unless it is quite clear that the land will be required at an early date for this purpose.

The best course usually is :—

(*a*) To decide what should be allowed on the land as a matter of course (its " predominant use ") ;
(*b*) To determine for what other purposes (" secondary uses ") it may be utilised with advantage to the community ;
(*c*) To allow any person to develop the land for a predominant use without any further consent ; but
(*d*) To require the consent of the council to be obtained before any person can develop it for a secondary use.

In some cases it will not be manifest at the time for what purpose an area of land will be best suited, and general development should then be allowed until the time is ripe for defining the use of the land more closely.

16. There will often be a temptation to allocate land for shops and civic or other public buildings of various kinds, and sometimes it may be quite right to do so, but, on the other hand, to adopt this course would in many cases be imprudent, until the trend of detailed development has become clearer.

Schemes can be so drafted as to give local authorities this later power of more precise zoning.

(2) *and* (3) *New Roads, Widenings, and Diversions.*

17. Under a town-planning scheme it is possible to fix the sites, widths, and direction of roads so as to secure a well-arranged system in which the several types of roads and streets will be adapted to fulfil their special functions, according as they are intended for through traffic, for communication with railway stations or other centres, for industrial transport, or for purely residential districts.

The object of placing a new road on the map is to determine the best line of the road, when constructed, to prevent anything being done on the route which would render demolitions or other expensive proceedings necessary when the time comes for the construction of the road, and to secure that the location of buildings shall be in relation to a suitable system of main thoroughfares.

Similar considerations apply to widenings and diversions. Building development will sometimes be greatly facilitated, and the general interests of the community advanced, by the stopping up or diversion of obstructive streets and footpaths, where it is possible to dispense with them.

Zoning and the fixing of the lines of roads are so closely connected as to be interdependent problems. For instance, it will generally be found more profitable, both to the community and to private interests, to take main trunk roads through industrial or commercial rather than residential districts. The two subjects should therefore always be considered together.

18. It is not generally desirable that a town plan should show streets which are merely incidental to the lay-out of estates. These have to be adapted to the actual course of development, and can be governed by taking power in the ultimate scheme to control the lay-out of roads on estates when plans for their development are submitted—or earlier, if the course of development has sufficiently revealed itself.

The town plan itself—and therefore the preliminary statement—should deal only with main lines of communication and essential connections.

19. The placing of a new road on the map and its inclusion in the preliminary statement does not necessarily mean that the local authority will construct the road, unless it is expressly so stated in the scheme. Power can be taken to construct the road, in the event of its being required for public purposes, before it is needed for estate development, and in that event it is customary to provide that no frontage charges shall be made until building takes place.

Subject to this, the road would be made up in the ordinary course as a private street as the land is developed. Where, however, the council require anything more than could be ordinarily demanded for private street works (*e.g.* in the case of wide roads or roads of

exceptionally strong construction), it is usually provided in schemes that the council shall bear any additional expense of construction, unless otherwise agreed.

(4) *and* (5) *Density of Buildings and Space about Buildings.*

20. The object of restrictions under this head is to prevent the needless crowding of buildings upon the land and to promote health and amenity by securing for residential areas as much spaciousness and outlook as is compatible with legitimate economic development. This can be provided, as a rule, without hardship to owners—indeed, with advantage to them—where the principles are settled before the actual development of the land has commenced.

The same difficulty arises here as in the case of character zoning, namely, that of foreseeing the future with sufficient certainty, and, for the same reason, it will usually be found best for the local authority to provide for a reasonable measure of elasticity in determining densities.

Low densities can be safely imposed only where there is clear evidence—(*a*) that the land concerned is being developed, or will in the near future be developed, for a class of property for which larger plots are generally required, and (*b*) that this is in the public interest. This is not usually the case except as regards relatively small selected portions of land. Subject to these conditions, there may be advantage to the community in allocating a moderate proportion of land for low densities in order to keep within the district classes of residents who might otherwise migrate beyond its borders.

If for any reason it is considered the wisest course to fix a low density over an area of any considerable extent, provision should usually be made for relaxing the restriction, should events show that the low density is in fact impeding development. In any event, a large area of development at low densities will generally involve the development of interspersed portions at a higher density for the accommodation of those engaged in ministering to the needs of the district.

21. It has to be remembered that the fixing of an average density does not mean that houses will necessarily be built up to that average, but merely that they must not exceed it within the particular zone.

It is also to be noted that the fixing of an average density does not mean that each parcel or acre of an owner's land must not have more than the average; there may be many more houses than the permitted average on a particular part of the land, provided that the average is not exceeded on the whole area of the owner's land which is taken into account for this purpose. It will often be found advantageous, for instance, to put a larger number of houses than the average on a piece of land and to use part of the adjoining land for allotments or playing-fields or other open spaces.

An important point to be borne in mind is that where streets have been laid out and building plots determined before the inception of a town-planning scheme, the builder has not the same facility for adjusting his development to town-planning standards, and that, therefore, it is not generally reasonable to impose the same restrictions (particularly as regards density and space about buildings) on the land as if it had been entirely undeveloped.

(6) *Height of Buildings.*

22. The general practice is to fix the height of buildings according to the width of the road adjoining, subject to a fixed maximum height, with some latitude for public buildings and for industrial buildings in industrial zones. A stricter standard may be justified on purely residential streets than elsewhere.

(7) *Open Spaces, Allotments, etc.*

23. The reservation of land for public parks, playing-fields, allotments, or other public purposes is usually found desirable in accordance with the probable needs of the district. Such reservation would not interfere with the existing use of the land for the time being, but it would have the effect of placing a restriction on the development of the land for building purposes.

It will probably be found desirable, as a rule, to reserve only large areas for open spaces, allotments, or the like in the town-planning scheme itself. Smaller reservations can often be more prudently made later, when the detailed development of any particular area can be more clearly foreseen.

IX.—APPROVAL OF PRELIMINARY STATEMENT.

24. It is the practice of the Minister of Health, before approving or disapproving a preliminary statement submitted to him by a local authority, to direct a public inquiry to be held in the locality.

Any person interested can put forward his views at this inquiry, and the decision of the Minister is given only after considering the report of the inquiry, and the representations and objections which have been made.

X.—EFFECT OF APPROVAL OF PRELIMINARY STATEMENT.

25. The approval of a preliminary statement does not in itself give the local authority any powers which they did not already possess, pending the completion of the scheme.

A special Interim Development Order is issued, however, at the same time as the preliminary statement is approved, and, by this Order, the local authority can permit interim development in the area in question only if it is in general accordance with the proposals in the preliminary statement. Subject to this provision, the power of the local authority under the special Order is to the same effect as their power under the General Interim Development Order, the effect of which has been explained in Chapter VI.

The private owner or developer gains, however, this great advantage. The approved preliminary statement and map make it clear what are to be the main provisions of the scheme, and the owner or builder is thus no longer in a state of uncertainty as to the chief requirements with which he has to comply.

In effect, therefore, although the scheme is not technically complete, the approval of the preliminary statement, together with the special Order, practically enables the local authority to control development on the lines of the proposed scheme. But it does not authorise them to carry out any works which they could not undertake under their ordinary powers independently of the scheme.

XI.—Draft Scheme.

26. A draft of the full town-planning scheme must be adopted by the local authority within twelve months, or such other time as may be allowed, of the approval of the preliminary statement, and must be illustrated by a map.

The preliminary statement map usually includes all the features which it is desirable to settle in the scheme itself. The map accompanying the draft scheme will often not differ materially from it, but it will be on a larger scale unless the former was also on the scale of 25 inches to the mile), and consequently will be prepared with the greater precision required for the illustration of the final scheme.

27. The draft scheme itself, however, is essentially different from the preliminary statement, since it will be a document in legal form.

To assist local authorities in preparing it, a series of model clauses has been published by the Ministry. It is not assumed that all these clauses will be needed in every scheme, but it is intended that each of them shall be regarded as the settled form for the purpose to which it applies, subject to any necessary adaptations to meet the special circumstances of the particular scheme.

Besides embodying the proposals outlined in the preliminary statement in a series of definite and detailed provisions, the draft scheme may deal with other matters to which it was not necessary to allude in the preliminary statement, as, for instance, power for the local authority to require plans of estate development and to control it, to permit reduced standards of widths and construction on minor streets, or to make supplementary zoning orders for determining in more detail the character and density of buildings as the course of development reveals itself.

The draft scheme must be deposited for local inspection and full opportunity must be given for representations and objections. Notice must be served at this stage on every landowner concerned.

XII.—Final Scheme and its Approval by Minister.

28. Within six months from the date of their resolution adopting the draft scheme, or such other time as may be allowed, the local authority must pass a resolution finally approving the scheme, with any modifications deemed desirable after considering the representations and objections made on the deposit of the draft.

The scheme as finally approved by the local authority, together with a map—which may, however, be the same as that accompanying the draft scheme—must be submitted to the Minister, who will arrange for a public inquiry in the locality. A map must also be submitted showing the ownerships of the land in the scheme.

After considering the results of the inquiry, the Minister will notify the local authority of his intention to approve the scheme, with any modifications he considers desirable, or to disapprove it.

On receiving a notification that the scheme has been approved, the local authority must deposit the scheme as modified, advertising the fact and again giving owners individual notice. A scheme is of cardinal importance to the local community and to owners of property, and it is therefore held to be necessary to give them the fullest opportunity to consider it in all its aspects.

The Minister, after considering any representations or objections

received in consequence, will then finally approve the scheme with or without modifications, and will notify the local authority accordingly.

The scheme will be legally binding on all persons from the date fixed by it for the purpose, and the local authority will be in a position then, but not before, to enforce its provisions and to exercise any special powers given by it.

XIII.—OPPORTUNITIES FOR REPRESENTATION AND OBJECTION.

29. Reference has already been made to the desirability of interesting all classes of the community in the preparation of the scheme from the outset of the proceedings.

Local authorities have been informed that it is of the highest importance that both they and the Minister should have the full advantage of the consideration of town-planning schemes by, for instance, business men, landowners, persons concerned with transport or housing (including the private builder), architectural and archæological societies, and social agencies.

The Regulations expressly require that, at the draft scheme stage, the local authority shall give to persons making representations or objections full opportunity to be heard in such manner as the circumstances and the justice of the case may require.

It is especially important that such opportunity should be extended to industrial and business interests.

30. It is to be observed, moreover, that, in order to give every interested person ample opportunity to make representations or objections, the Regulations require, at every important stage of the procedure, that notice shall be given by advertisement at least once during each of two successive weeks in a newspaper or newspapers circulating in the area of the local authority. The notice must state that the map relating to the proposals is open for inspection, and that representations or objections may be made within a specified time.

In addition to this, as already stated, the local authority must serve a notice on every owner of land included in the scheme, both when the draft scheme adopted by the local authority is deposited and when the Minister has notified to the local authority his decision on the draft scheme.

Further, opportunity is given to every one interested to appear and be heard at the public inquiry held on the preliminary statement and at that held on the final scheme.

XIV.—EXPENSE OF PREPARING SCHEME.

31. The expense of preparing a scheme depends to a great extent upon whether or not it can be undertaken by the existing staff of the local authority, or whether further temporary assistance must be obtained. The issue of the model clauses should greatly reduce the amount of work involved in drafting the scheme.

Apart from salaries or fees, the main source of expenditure will be the provision of maps and the referencing of owners of land within the area. This latter is far the largest item, where the land is in many ownerships; assistance in tracing ownerships can be obtained from the district valuers.

As the scheme will be a benefit not only to the present, but also to future, generations, local authorities may borrow to meet the expenses of its preparation, subject to the sanction of the Minister.

XV.—COMPENSATION AND BETTERMENT.

32. Subject to what is stated below, compensation can be obtained in respect of property injuriously affected by the making of a scheme. On the other hand, betterment may be claimed by the local authority to the extent of half of any consequent increase in the value of property.

Claims for compensation cannot be made, however, in respect of (*a*) provisions which might have been contained in bye-laws or are similar to provisions in respect of which no compensation is payable under a general or local Act of Parliament, or (*b*) provisions which prescribe the space about buildings, limit the number of buildings, if certified by the Minister to be reasonable for the purpose.

Reference has already been made to the position where a building is erected or other work done after the passing of a resolution to prepare a scheme.

33. The reservation of land for new roads and road widenings, open spaces, allotments, or other public purposes does not necessarily mean that the land is to be acquired or appropriated before the time is ripe for its use for those purposes, or, where existing buildings are involved (*e.g.* in the case of proposed widenings), that the buildings will be demolished before that date.

It is usual, however, to prohibit the erection of new buildings or the extension of existing buildings on the land, except by special agreement with the local authority, and compensation can be claimed for any depreciation of the value of the land (including the buildings thereon) in consequence of this restriction.

It is for local authorities to frame their schemes so as to reduce depreciation on this account to a minimum, and where land is required for open spaces or allotments, or existing buildings are involved, it may be advantageous to obtain agreement with owners as to the time when and the terms on which the land is to be appropriated to its use under the scheme.

Questions in dispute relating to compensation or betterment will be determined, unless the parties otherwise agree, by the arbitration of one of a panel of official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919.

34. Local authorities should endeavour to ascertain, before their proposals are finally settled, what claims for compensation are likely to arise, and, so far as is practicable, should frame their schemes so as to avoid claims.

By prudent consultation with owners before proposals are formulated and by meeting their wishes so far as is compatible with public interest, local authorities can generally keep claims for compensation within narrow limits. Owners of land, for instance, if approached betimes, may be willing to give the strips necessary for new roads or for widenings.

There is no question that a carefully prepared plan is usually to the advantage of owners in general as well as of the community, especially so far as it tends to stabilise values.

It may be added that under a provision of the Act of 1923, if a

local authority, after making a scheme, find that they have to meet higher claims than they feel should be borne by the local finances, they can within one month after the date of an award of compensation withdraw or modify the relevant provisions of the scheme, but must submit a varying scheme within three months. Local authorities, however, will be making a grave mistake if, in consequence of this provision, they show any lack of prudence in preparing their schemes.

XVI.—REGIONAL PLANNING.

35. Where there are several large or growing communities adjoining one another, the preparation of a town-planning scheme by each individual authority with reference only to the needs of its own district cannot be entirely satisfactory, nor does occasional consultation by each authority with its neighbours on a few definite points in their respective schemes always meet the case.

What is needed is a more general review of the whole area which is covered by a group of local authorities and the preparation of an outline plan for such an area or "region," dealing only with the broadest features of town-planning affecting the region as a whole.

The realisation of this fact has led to the formation of a number of joint town-planning committees.

It would be possible, under the Acts, for two or more local authorities to form a joint committee and to delegate to it all their town-planning powers, thus making it the town-planning authority for the whole of the area.

All the joint town-planning committees which have been formed up to the present are purely advisory in character, and have no power to carry out a scheme or any part of it or to enforce its acceptance upon the local authorities concerned. It may be that in some cases, when more progress has been made, joint committees will be established with the larger powers already indicated.

36. The object of the joint town-planning committees already constituted has been, generally speaking, to advise in the promotion and co-ordination of town-planning schemes and to prepare in broad outline a regional plan, the proposals which it contains being submitted to the constituent councils with a recommendation that they should introduce them into their individual schemes.

It will thus be observed that regional planning may not do away with the necessity of the planning of individual towns or take its place, nor would the formation of an advisory joint committee deprive the local authorities or their officials of any of their powers or functions, but it should help them in preparing their individual plans and ensure that these harmonise with the interests of the wider region.

Instances of joint town-planning committees are those for Doncaster and District (8 authorities), Dee-side (6 authorities), Manchester and District (86 authorities), North Tyneside (14 authorities), South Tyneside (11 authorities), West Middlesex (18 authorities). Of these, the Doncaster and Dee-side Committees have already issued final reports, and the West Middlesex Committee have issued an interim report. These reports are on sale.

XVII.—EXTENSION OF TIME.

37. Mention has been made of the periods within which each step in the procedure of preparing a scheme should be taken, but the

Minister has power to extend these periods in any particular case. Town-planning procedure is new and the officials of local authorities have little experience to draw upon, and difficulties arise which could not have been anticipated. Moreover, town planning is of such far-reaching importance that immature schemes must be avoided.

The Minister is quite willing, therefore, to exercise his power to extend the periods where circumstances require it, in order to avoid the possibility of mistakes due to hurried work or insufficient consideration.

38. It is important, nevertheless, that, when land has become the subject of a town-planning resolution, the town-planning proposals themselves should be ready without any avoidable delay. A lengthy interval between the passing of the resolution to plan and the formulation of definite proposals places owners in a position of uncertainty and of unwillingness to incur the risks of development, and this may be detrimental, not only to them, but to the public interest.

Increasing experience should do much to lessen this interval; further, unless there are special reasons for putting land under the control of a town-planning resolution at once, local authorities should, before doing so, undertake as much preliminary investigation as possible with a view to the prompt formulation of their proposals.

XVIII.—Enforcement of Scheme.

39. As has already been stated, a town-planning scheme, when completed and finally approved, has statutory effect from the date fixed by it for the purpose, and the "Responsible Authority" (*i.e.* the local authority named as the Responsible Authority in the scheme) has power to see that the provisions of the scheme are carried into effect.

Under this power the Responsible Authority may remove, pull down, or alter any building or other work which contravenes the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with, and may recover the expenses of so doing from the persons in default.

Moreover, schemes usually fix pecuniary penalties for the contravention or other breach of any of their provisions, or for neglect or failure to comply with them.

Any disputed question as to contravention of or non-compliance with the provisions of a scheme is to be referred to the Minister for final decision by him as arbitrator, unless the parties otherwise agree.

40. It is manifestly of great importance that local authorities should secure the very widest publicity to the measures which they take under the Town Planning Acts, in order that owners and other interested persons may be well acquainted with the position; and they would be well advised to make the fullest use for this purpose of the Press and of any appropriate local societies or associations.

XIX.—Future Development.

41. Some apprehension is occasionally felt, not unnaturally, that conditions in a district may change so radically that a town-

planning scheme made some time ago may no longer fit the circumstances and may be a hindrance rather than a help.

The ground for the fear is rendered much less substantial by the fact that schemes have now to be restricted to the broad fundamental outlines, which are more likely to be of a permanent character; and that details can be filled in later as each part of the area approaches development and plans have to be made for it.

There is a further safeguard: a town plan is not intended to be something made once and for all, to remain for ever rigid in all its particulars. Where necessary, it should be altered to meet changed conditions, and with this object it should be periodically reviewed —say, every three or five years—in the light of the prevailing circumstances, in order to make sure that it continues to form a good framework for the development which will best minister to the prosperity and well-being of the community.

TRAMWAYS.

I.—STATUTES.

See under "Act of Parliament" as to the continuance by the Expiring Laws Continuance Act, 1924, of the provisions of the Statutory Undertakings (Temporary Increase of Charges) Act, 1918, so far as it relates to tramway undertakings.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

Tramways and Light Railways (Street and Road) and Trackless Trolley Undertakings.—In January, 1924, the Ministry of Transport issued a volume of Returns of Street and Road Tramways and Light Railways authorised by Act or Order, showing the amount of capital authorised, paid up, and expended; the length of line authorised and the length open on 31st December, 1922, in respect of companies, and the 31st March, 1923, in respect of local authorities; and many other particulars of these undertakings.

The volume is obtainable from usual sources, price 15*s*.

III.—CASES.

Tramways worked by Electricity —Agreement between Urban District Council and Electric Supply Company—Incorporation of Urban District with Borough—Supply of Electricity by Borough Council for Working Tramways in former Urban District.]—By Sect. 23 of the Electric Lighting Act, 1909: "Where in any area a local authority, company, or person is authorised to supply electricity under Act of Parliament or under licence or Provisional Order granted under the Electric Lighting Acts, it shall not, after the passing of this Act, be lawful for any other local authority, company, or person to commence to supply or distribute electricity within the same area unless such supply or distribution is authorised by Act of Parliament, or by licence or Provisional Order granted in terms of the Electric Lighting Acts: Provided that this section shall not prevent any company or person from affording a supply of electrical energy to any other company or person where the business of the company or person affording the

supply is not primarily that of the supply of electrical energy to consumers. . . ."

In 1901 an urban council, being authorised by an Electric Lighting Order to supply electrical energy within their district, transferred their powers under the Order to an electric supply company on the terms that the company should generate all electrical energy required for public and private lighting and for working tramways in the district, and the council agreed not to consent to the supply of electrical energy by any other corporation, company or person in the district. The tramways of the district formed one continuous line with the electric tramways belonging to an adjoining borough. By an Extension Order of 1911 the urban district was incorporated with the borough and the borough corporation was substituted for the urban council, but all contracts entered into by or with the council were to remain in force against or in favour of the corporation. In 1921 the corporation ceased to take electrical energy for the tramways of the added area from the supply company and themselves provided the electrical energy for the whole of the borough tramways:

HELD (Lord Sumner dissenting)—that the provision of electrical energy by the corporation for tramways worked by themselves was a "supply" within the meaning of Sect. 23 of the Electric Lighting Act, 1909, and that the corporation were acting in violation of the section.

HELD, further (by Viscount Cave and Lord Shaw of Dunfermline)—that the agreement of 1901, as preserved by the Extension Order of 1911, prohibited the corporation from themselves providing electrical energy in competition with the supply company.

Dictum of North, J., in *West Surrey Water Co.* v. *Guardians of Chertsey Union* (1894), 59 J. P. 167; [1894] 3 Ch. 513, not followed.

Decision of the Court of Appeal (1923), 87 J. P. 117; [1923] 1 Ch. 548, affirmed.

SOUTHPORT CORPORATION *v.* A.-G. (1924), A. C. 909; 93 L. J. Ch. 369; 31 L. T. 417; 88 J. P. 181; 40 T. L. R. 736; 22 L. G. R. 429—H. L.

London County Council—Tramways—Carriage of Goods—Value and Nature of Goods not Declared—Negligence—Liability for Loss of Goods—Carriers Act, 1830, *s.* 1—*London County Council (Tramways and Improvements) Act*, 1911, *s.* 42.]—By Sect. 42 of the London County Council (Tramways and Improvements) Act, 1911: "Every passenger travelling upon any of the council's tramways may take with him personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof, all such luggage to be carried by hand and not to occupy any part of a seat or to be of a form or description to annoy or inconvenience other passengers, and in respect of luggage accompanied by a passenger other than as aforesaid, the council may make and recover such charges as they think fit for the conveyance thereof."

The plaintiff's servant handed a parcel weighing about 50 lb. and of the value of about £80 to the driver of a tramcar of the defendants, the London County Council, who accepted it and it was placed on the front platform of the car. The servant paid the conductor 1*d.* for a ticket for himself, and 2*d.* for the conveyance of the parcel. Owing to the negligence of the driver the parcel was not forthcoming when the servant claimed it. The plaintiff claimed damages. The defendants contended (*inter alia*) that they were common carriers, and that as the goods were above the value of £10, and articles mentioned in Sect. 1 of the Carriers Act, 1830, and their value and nature was not declared, they were protected by the Carriers Act, 1830.

HELD—that the defendants were not common carriers of goods and consequently were not protected by the Carriers Act, 1830.

ROSENTHAL *v.* LONDON COUNTY COUNCIL, [1924] W. N. 165; 131 L. T. 563; 88 J. P. 157; 22 L. G. R. 527; 59 L. Jo. 320—Bailhache, J.

TUBERCULOSIS.

See "DISEASES."

UNEMPLOYMENT.

See "EMPLOYMENT."

VACCINATION.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

CIRCULAR 524.

TO BOARDS OF GUARDIANS.

MINISTRY OF HEALTH,
29th August, 1924.

THE VACCINATION ORDER, 1924.

SIR,—I am directed by the Minister of Health to forward herewith copies of an Order which has been made under the Vaccination Acts rescinding the Vaccination Order, 1923, and prescribing a revised form of notice of the requirement of vaccination in substitution for Form A contained in the Schedule to that Order.

The effect of the Order is to include in Form A the form of statutory declaration of conscientious objection to vaccination.

The Order will come into operation on the 1st October next. Parents registering births after that date will not be required, as now, to apply to the vaccination officer for a form of statutory declaration, but will be able to use the form of declaration in the new Form A which will be handed to them by the registrars of births and deaths. Copies of the new Form A will be forwarded in due course to these officers.

As regards births registered before the 1st October, it will be open to the parent to apply to the vaccination officer for a form of statutory declaration as at present in use, but these forms should not be issued by vaccination officers after the 29th November next, and as soon as possible after that date all unused forms of declaration in the hands of the vaccination officers should be returned to this Department.

I am to request that a copy of this Circular and of the Order may be handed at once to each vaccination officer in the Union.

The Order will be placed on sale, and further copies may be purchased from His Majesty's Stationery Office at the addresses shown on the Order.

I am, etc.

S. R. AND O., 1924, No. 968.

THE VACCINATION ORDER, 1924, DATED AUGUST 22, 1924, MADE BY THE MINISTER OF HEALTH UNDER THE VACCINATION ACTS, 1867 TO 1898, AND THE VACCINATION ACT, 1907.

69,441.

* * * * * *

1. The Order of 1923 is hereby rescinded.

2. The Order of 1898 and the Order (No. 11.) of 1907 shall be further amended and shall have effect as if for the Form A set forth in the First Schedule to the Order (No. II.) of 1907 and for references to that Form in the said Orders there were substituted the Form A set forth in the Schedule to this Order.

3. This Order shall come into operation on the first day of October, 1924, and may be cited as "The Vaccination Order, 1924."

SCHEDULE.

FORM A.

THE VACCINATION ACTS, 1867 TO 1898, AND THE VACCINATION ACT, 1907.

Notice of the Requirement of Vaccination.

To the parent or person having the custody of the child herein named.

Copy hereunder the No. of the entry of the child's birth from the register book.
Entry No.

1. I, the undersigned, hereby give you notice to have the child named * , whose birth is now registered, vaccinated by a public vaccinator or some other medical practitioner, pursuant to the provisions of the Vaccination Acts, 1867 to 1898.

2. These Acts require every child to be vaccinated before it is six months old. The vaccination may, however, be postponed by medical certificate, if the child is not in a fit state to be vaccinated, or if, in the opinion of the public vaccinator, the condition of the house in which the child resides is such, or there is or has been such a recent prevalence of infectious disease in the district, that the child cannot be safely vaccinated.

3. If you desire the child to be vaccinated by the public vaccinator before it is four months old, you should give notice to him in the following form, or to the like effect:—

To , public vaccinator of the district of the Union.

In accordance with Sect. 1 (2) of the Vaccination Act, 1898, I hereby request that you will visit † for the purpose of vaccinating * who is now residing at that address.

Dated this day of 19 .

(Signed) ,
Parent or person having the custody of the said child.

If you desire it, you can obtain from the vaccination officer a copy of this form, with the name and address of the public vaccinator. The public vaccinator will visit the child's home for the purpose of vaccinating the child not earlier than

---

* Child's name and surname. † Address of the child.

9 o'clock in the morning nor later than 4 o'clock in the afternoon, unless some other time shall have been arranged between him and you.

4. If within a week after the child has attained the age of four months, the vaccination officer has not received a certificate of its successful vaccination, or of its insusceptibility to vaccination, or of its having had small-pox, and has not in his possession a valid certificate of postponement of the vaccination of the child, and has not received such a statutory declaration as is hereinafter mentioned, the vaccination officer will give notice to the public vaccinator, and the public vaccinator will call at the home of the child before the child attains the age of six months and will offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be issued by the Ministry of Health.

5. The public vaccinator will give you at least 24 hours' notice of his intention to visit the home of the child as mentioned above in paragraphs 3 and 4; and the visit will, in the absence of any sufficient reason for delay, be made within four weeks after receipt of the notice from you or from the vaccination officer, as the case may be. If, when the public vaccinator visits the home of the child for the purpose of vaccinating it, or of offering to vaccinate it, you request that the vaccination should be performed with lymph issued by the Ministry of Health, the public vaccinator will use such lymph.

6. After the vaccination has been performed the child must be inspected by the vaccinator, in order that, if the operation has been successful, he may fill up and sign the requisite certificate.

7. The vaccinator will give his certificate in one of the annexed forms, and for this purpose *this paper* should be produced to him. If he is a public vaccinator it will be *his* duty to forward the paper to the vaccination officer; but if he is not a public vaccinator it will be *your* duty, after the certificate has been duly filled up and signed, to forward this paper to the vaccination officer, whose name and address are on the back, within seven days of the date of the certificate.

8. Under Sect. 29 of the Vaccination Act, 1867, every parent or person having the custody of a child who neglects to cause it to be vaccinated, or after vaccination to be inspected, and does not render a reasonable excuse for his neglect, is guilty of an offence and is liable to a penalty not exceeding twenty shillings. Those only will be exempt from any penalty under that section or under Sect. 31 of the Vaccination Act, 1867, who, within four months from the birth of the child, make a statutory declaration (which will be exempt from stamp duty), that they conscientiously believe that vaccination would be prejudicial to the health of the child, and, within seven days thereafter, deliver or send by post the declaration to the vaccination officer for the district. This declaration may be made before a solicitor who is a Commissioner for Oaths. It may also be made before a Justice of the Peace or before any other officer authorised to receive a statutory declaration. The declaration must be made in the form set out below or in a form to the like effect.

FORM OF DECLARATION.

I, of , in the parish of , in the county of , being the parent [*or* person having the custody] of a child named , who was born on the day of , 19 , do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of , 19 .

Signed .

Declared before me, at , on the day of ,

---

a Commissioner for Oaths [*or* Justice of the Peace, *or* other officer authorised to receive a statutory declaration].

Dated this day of 19 .

(Signature of Registrar)

Registrar of Births and Deaths for the sub-district of in the Superintendent Registrar's district of

---

IV.—DEPARTMENTAL DECISIONS.

Health Minister and Vaccination—Reply to a Deputation.

Mr. J. Wheatley, Minister of Health, on 25th February, 1924, received at the Ministry a deputation of the National Anti-Vaccination League.

Mr. Pethick Lawrence said that in his constituency 96 per cent. of the children born were not vaccinated, and in the whole country 60 per cent. were unvaccinated.

Mr. Wheatley, in reply, said he could not give any definite answer that day. He had had a certain amount of personal experience of smallpox as a member of a county council in Scotland and chairman of the Public Health Committee. He was struck, while listening to the speeches, with the old saying that figures could be made to prove anything. Figures had been put into his hands which showed an increase in smallpox in recent years. With regard to deaths from vaccination it had been said that in some years they were greater than those from smallpox. But in 1921 the figures showed that there were eight deaths from vaccination out of 324,000 vaccinations and five deaths from smallpox out of 336 cases.

VALUATION.

See "RATES."

VENEREAL DISEASE.

See "DISEASES."

WAR ALLOWANCES AND PENSIONS.

See also "SUPERANNUATION."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 801.

THE WAR PENSIONS COMMITTEES (AMENDMENT) REGULATIONS, 1924, DATED JULY 23, 1924, MADE BY THE MINISTER OF PENSIONS UNDER SECT. 2 (2) OF THE WAR PENSIONS ACT, 1921, AMENDING THE WAR PENSIONS COMMITTEES (GENERAL) REGULATIONS, 1923.

* * * * * *

2. The following sub-section is hereby substituted for sub-sect. (2) of Regulation 6 of the Principal Regulations :—

"(2) All meetings of the committee shall be summoned by the clerk and a special meeting shall be so summoned upon a resolution adopted by the committee or a requisition in writing addressed to the chairman by any five members of the committee."

3. The following Regulation is hereby substituted for Regulation 13 of the Principal Regulations :—

"13. When considering individual cases, the committee and its sub-committees may (subject to Regulation 33) sit in private session."

4. The following sub-sections are hereby substituted for sub-sections (1) and (2) of Regulation 15 of the Principal Regulations :—

"15.—(1) A committee shall, if necessary, appoint such of their members as they may think fit, not exceeding four-fifths of the total number of members of the committee, to act as a general purposes sub-committee for the purpose of assisting the committee in the discharge of their functions under paragraphs (*c*), (*d*), (*e*) and (*f*) of sub-sect. (1) of Sect. 2 of the Act.

"(2) A committee shall also in all cases appoint a children's sub-committee consisting of not more than six members of the committee, with power to co-opt not more than four additional members. Such additional members shall, wherever possible, be voluntary workers appointed by the committee under Regulation 31, and failing such voluntary workers shall be persons approved by the Minister."

5. Regulation 32 of the Principal Regulations is hereby amended by the deletion of the words "at the discretion of the Chief Area Officer," and the substitution of the word "directions" for "instructions."

WAR MEMORIALS.

IV.—DEPARTMENTAL DECISIONS.

Approval of Expenditure by Parish Council.

The Ministry expressed the opinion that it was unnecessary for a county council to approve every item of expenditure proposed to be incurred by parish councils under the War Memorials (Local Authorities) Powers Act, 1923. It was within the powers of a county council to approve the annual expenditure by a parish council of a reasonable sum not exceeding a definite maximum amount and not larger than a penny rate. The reasonableness of any particular item would be a question for the District Auditor.

WATER SUPPLY.

See also "RIVERS."

II.—ORDERS, CIRCULARS, AND MEMORANDA.

RURAL WATER SUPPLIES : MEMORANDUM OF MINISTRY OF HEALTH, DATED APRIL, 1924.

RURAL WATER SUPPLIES.

I.—PRESENT POSITION AS BETWEEN PIPED SUPPLIES AND OTHER SUPPLIES.

(1) In order to visualise the position as to the supply of water in rural areas it is found necessary to adopt some standard by which to estimate the number of parishes having a supply which can be regarded as generally satisfactory.

Having regard to the numerous cases in which a supply must continue to be derived from private wells, springs, etc., owing to the sparseness of population, the assumption has been made that where a system of distribution to stand-pipes or into houses exists, from which at least one-third of the houses in a parish are served, the parish is, as a rule, not inadequately supplied or will in due course become fairly adequately supplied by the extension of the system, as and when circumstances permit or require.

There are in England and Wales at the present time approximately 12,860 parishes situated in rural districts and of these parishes at least 3,800 have a piped supply serving one-third or more of the houses in the parish. The latter figures are necessarily approximate only and are no doubt somewhat below the true proportion, as extensions of mains are constantly in progress and retrogression is rare.

The following table serves to illustrate the wide variation in different counties in the number of rural parishes having piped supplies in 1913.

County.	Population per 1,000 acres (1911) (rural parishes only).	Total number of rural parishes in county (1913).	Number of rural parishes with over one-third of houses having in 1913 a piped supply.	Number of houses in 1913 in rural parishes.		Percentage of houses in rural parishes with piped supply in 1913.
				Total number.	With piped supply.	
1	2	3	4	5	6	7
Denbigh ..	238	92	39	23,040	13,882	60·24
Dorset ..	239	271	54	25,480	6,236	24·47
Durham ..	717	225	166	79,437	73,465	92·48
Norfolk ..	207	680	36	63,227	4,312	6·82
Warwick ..	328	246	72	34,887	15,290	43·83
West Sussex	173	153	32	22,075	5,689	25·73

The statistics given above and those which immediately follow are based, in the main, on the Return as to Water Undertakings, 1914, compiled by the Local Government Board from information supplied by water undertakers and local authorities, in the absence of more reliable and up-to-date information.

The high percentage in the case of Denbighshire is due to the rural district of Wrexham, in which are comprised over 60 per cent. of the population of the rural districts in this county, and in which the great majority of the houses enjoyed a piped supply.

(2) The number of rural parishes which, in 1913, were supplied by the various undertakers was as follows :—

Local authorities (including joint boards)	..	2,331 parishes.
Companies (statutory and non-statutory)	..	1,395 ,,
Private proprietors	..	1,505 ,,

In the above figures there is considerable duplication as many parishes are supplied by more than one undertaker. In fact, the total number of rural parishes with some houses in receipt of a piped supply in 1913 was 4,874 or 38 per cent. of the total number of rural parishes. About 1,200 of these 4,874 parishes had, however, less than one-third of the houses therein so supplied.

(3) The approximate number of parishes previously without a piped water supply to one-third of the houses therein, in respect of which the Minister of Health or the Local Government Board have, during the ten years (1914–1923) sanctioned loans to rural district councils for supplies is 142. The great majority of these loans were for new piped supplies, the number of cases in which loans are sanctioned for wells from which water is carried being negligible. Half of this period was, of course, occupied by the war, during which very few loans were sanctioned for rural water supply schemes.

The above figures cannot, however, be taken as more than a very partial measure of the progress effected in the last decade in bringing piped supplies into rural parishes previously without piped supplies, as it is impossible to give figures for the considerable number of cases in which supplies have been extended into rural parishes by water companies, or by town councils or urban district councils acting under local Acts.

Apart from this, extension of existing piped supplies in rural parishes to supply additional premises is, of course, constant. In fact, the great majority of the loans sanctioned for waterworks by the Minister of Health, in both rural and urban areas, is for this purpose and not for new schemes.

(4) An examination of the rural parishes at present possessing a piped supply shows, as might be expected, that those parishes situated near towns, or even containing within their borders a colliery or a large institution or factory, usually secure such a supply. As instances of the latter mention may be made of Uppingham and Stowmarket, where in one case a public school and in the other a brewery having private supplies, were the agents for the extension of water supplies.

The supply to parishes in the neighbourhood of towns is facilitated by the fact that they have become or are becoming partly urban in character, and are closely associated with the adjacent town. The periodical inclusion of such rural parishes within the statutory limits of supply of urban authorities (or of water companies serving towns) or the arrangement of a bulk supply by agreement from the urban mains, distribution being effected through mains laid by the rural district council, are the natural sequence.

Similarly, rural parishes situated in the neighbourhood of the trunk main of a large water undertaking, although not actually near any large town, are favourably placed for securing a piped supply. In sanctioning the Thirlmere and Haweswater schemes of Manchester, the Vrynwy scheme of Liverpool and other schemes, express provision has been made by Parliament for the supply of areas within specified distances of the trunk mains or for the supply of particular rural districts.

It seems also clear that quite apart from the possibility of securing a supply from the town supplies (which is not always feasible), the proximity of a town often provides the necessary stimulus for securing an independent piped supply by fostering a higher standard of living and an increased ability and willingness on the part of the consumer to pay for an improved supply. Similarly, the provision of a water supply for one rural district or part thereof tends to arouse the desire for like advantages in neighbouring districts.

At the lower end of the scale is the agricultural parish of considerable extent and sparsely populated (particularly so in the pastoral areas) in which a public water supply, beyond possibly a public well, is out of the question.

The intermediate classes of rural parishes show great divergence in character. Many entire rural districts, though rural in name, are industrial, such as the mining areas, and these have, in general, piped supplies more or less adequate.

One of the marked features particularly in some areas (*e.g.* in parts of Derbyshire, Northumberland, and Warwickshire), is the large number of small schemes of piped supplies in the hands of private landowners and others. Such supplies are, of course, primarily for the tenants of the proprietor, and in some cases the proprietors are colliery companies supplying their own houses. The number of such undertakings in England and Wales is slightly over a thousand, and of these almost all serve rural parishes.

II.—PRESENT STATE OF THE LAW.

(i) *Powers of Rural District Councils.*

(a) *Individual Houses.*

(5) It is the duty of every rural district council "to see that every occupied house in their district has, within a reasonable distance, an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates" (Sect. 3 of the Public Health (Water) Act, 1878). They are required to take from time to time steps to ascertain the condition of the water supply in their district and they are empowered to incur reasonable expense in so doing, and to enter into private premises to ascertain whether in fact a proper supply of wholesome water is available (Sect. 7 of the same Act).

Further, in the case of houses either erected or rebuilt since 1879 the owner, before occupying or permitting occupation, must obtain from the rural district council a certificate that there is, within a reasonable distance, an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates. Failure to obtain such a certificate is punishable by fine (maximum £10). Refusal of a certificate is subject to an appeal to a court of summary jurisdiction (Sect. 6 of the same Act).

(6) If, in the case of an existing house, it appears to the rural district council, on the report of their inspector of nuisances or medical officer, that an occupied house has no such supply within a reasonable distance, and such a supply can be furnished for a sum not exceeding twopence a week capitalised at 5 per cent. (*i.e.* £8 13*s.* 4*d.*) or, with the consent of the Minister of Health, threepence a week capitalised (*i.e.* £13), the rural district council may require the owner to provide a supply, and, on his default, they may provide the supply, recovering the cost. If the owner objects that the supply is not required, or is not obtainable at a reasonable cost, the consent of a court of summary jurisdiction is required before the council can do the work, while, if he objects that the council should themselves provide a supply for the district or contributory place or render the existing supply wholesome, or that the whole or part of the expense of providing the supply or of rendering wholesome

the existing supply should be charged to the rates, the consent of the Minister is required before the council proceed to do the work (Sects. 3 and 4 of the Public Health (Water) Act, 1878).

Analogous provision is made in the Public Health Act, 1875 (Sect. 62), enabling the council, in the case of houses without a proper supply, to require connection with any existing piped service, provided the water charges do not exceed the rate authorised by any local Act in force in the district or, if there is no such Act, twopence a week or such other figure as the Minister deems reasonable. Moreover, the Minister may fix a general scale of charges to be deemed in future the reasonable charge, for the purposes of Sect. 62 of the Act of 1875, within the whole or any part of the rural district (Sect. 8 of the Public Health (Water) Act, 1878).

Several orders fixing scales of charges in various districts have, under these provisions, been issued.

It will be seen, therefore, as regards private supplies that, while since 1879 there has been some safeguard that no new houses are built in rural areas without a proper supply available at all events at the time of first occupation, the position as regards older houses is much less satisfactory, all effective action being dependent, in the absence of an available piped supply, on the practicability of finding a cheap source of supply.

It would appear, moreover, that diversity of practice exists among rural district councils. In some districts particularly where the housing shortage is acute, it is not easy for the councils to enforce strict compliance with the present provisions of the law. Having regard, however, to modern views of sanitary requirements, it is of great importance that no effort should be spared to secure that the building of new houses should take place only in situations where a proper supply of water is obtainable. Whatever the other amenities of a building site may be, the lack of an adequate supply of wholesome water is manifestly a serious drawback.

(7) If the water of any well, tank or cistern, public or private, or supplied from any public pump and used or likely to be used by man for drinking or domestic purposes is alleged to be so polluted as to be injurious to health, the local authority can, on the representation of any person, apply to a court of summary jurisdiction for an order. The Court may require the council to have the water analysed. The order of the Court may be for the closing of the well, etc., permanently or temporarily or for restricting its use to certain purposes (Sect. 70 Public Health Act, 1875).

(b) *Public Supplies.*

(8) A rural district council have powers to provide public supplies for their district under the Public Health Act, 1875, which are, in the main, adequate, including powers to dig wells, to contract with any person for a supply, to purchase and hire waterworks or any right to take or convey water or any rights, powers, and privileges of a water company.

Moreover, by the same Act all existing public cisterns, pumps, wells, reservoirs, conduits and works for the gratuitous supply of water to the inhabitants became vested in the rural district council, with the obligation to maintain the works, or any works in substitution, and to keep them plentifully supplied with water. The council are also empowered to construct similar works for the

gratuitous use of any inhabitants who choose to carry away the water for their own private use but not for sale (Sect. 64, Public Health Act, 1875).

(ii) *Powers of Parish Councils.*

(9) Concurrently with the rural district council, a parish council have limited powers to provide public water supplies but not so as to interfere with the rights or obligations of other parties. They are empowered, subject to this condition, to utilise any well, spring or stream within the parish with a view to providing facilities for obtaining water and to execute any incidental works, including works of maintenance and improvement (Sect. 8, Local Government Act, 1894).

The above powers are, however, of small scope. They do not authorise, for instance, the breaking up of highways for the laying of mains, and they are severely limited by the restrictions on a parish council's total annual expenditure (a rate of sixpence in the pound as maximum except for expenses under the Adoptive Acts).

It cannot be said that parish councils have made much use of the powers and, in view of the greater responsibilities and powers of rural district councils, there is no great need for them to do so. The Department have in fact generally discouraged action by parish councils, and have invariably done so where the circumstances render it desirable that the rural district council should undertake the provision of a public supply of water.

III.—The Difficulties Encountered.

(10) The difficulties confronting rural authorities and the Ministry of Health with regard to rural water supplies fall into three main categories—financial, physical, and legal. These three categories are not, of course, clear cut divisions; in fact they are closely interwoven. At the present time the financial difficulties are, in general, by far the most important.

(i) *General Effect of Post-War Conditions on Progress.*

(11) It would appear that the immediate effect on the progress of rural water schemes produced by the more difficult financial position resulting from the war has been less than might have been anticipated. Nevertheless a serious check has, in fact, resulted though this has been in part counterbalanced by various circumstances, the chief of which appears to be the stimulus given to water supply schemes by the alarming drought of 1921, and particularly by the subsidy offered by the Government with a view to assisting the relief of unemployment.

The approximate figures of loans for waterworks sanctioned by the Minister in 1921, 1922, and 1923, and of those sanctioned by the Local Government Board in 1912, 1913, and 1914 to rural district councils are as follows :—

In 1921	£235,000	In 1912	£179,000
In 1922	£313,000	In 1913	£153,000
In 1923	£426,000	In 1914	£233,000

In considering these figures it must be borne in mind that the cost of constructional work in 1923 was more than double the cost

between 1912 and 1914, while in 1922 the cost was about treble, and even somewhat higher than this in 1921. Allowing for the increased cost of the work it would appear that the loans sanctioned during the triennial period 1921 to 1923 represent little more than half the work represented by the loans sanctioned during the triennial period 1912 to 1914.

(12) It is difficult to estimate the effect produced on the above figures by the offer of a Government subsidy for the relief of unemployment. Moreover, last autumn the terms on which the subsidy is granted were made more favourable to the local authority, so that the stimulus has become more pronounced in recent months. Of the total amount for which loans were sanctioned to rural district councils for waterworks in 1923, grants are payable in respect of 35 per cent.

It should be borne in mind that in order to qualify for the subsidy local authorities are required to show that their proposals are being accelerated and are not such as would be carried out in the normal course. When, therefore, the offer of a subsidy as an inducement to the formulation of fresh schemes of water supply is withdrawn the effect on the initiation of new schemes should be considerable, in the absence of easier financial conditions.

(ii) *Financial Difficulties.*

(13) The chief financial difficulties are (a) the limited borrowing powers in respect of the parish or other contributory place, (b) the burden of existing rates, (c) the very limited income usually obtainable from the consumers by way of water rates, (d) the steady decline of many rural villages, (e) the natural hostility of the outlying parts of rural parishes to a rate in aid (particularly if considerable) for works which directly benefit only a part of the parish, (f) the close interdependence of sewerage schemes with water supply schemes (both costly), and (g) difficulties in carrying out comprehensive schemes for several parishes owing to the legal necessity of apportioning among the parishes that part of the expense which is of common benefit. (h) There are, of course, minor financial difficulties in addition to the above.

(a) *Limited Borrowing Powers.*

(14) Great difficulty is experienced at the present time in carrying through schemes owing to insufficient borrowing powers. The cost of water schemes has advanced in general to a figure which is still more than double the pre-war figure, though there has admittedly been a sharp fall from the peak figure reached in 1921. On the other hand, in the case of most rural parishes the assessable value, on which the borrowing powers are based, has generally remained more or less stationary as compared with the pre-war position.

At the present moment, for example, two distinct schemes for two parishes in one rural district—though limited to the mains in the parishes, as a neighbouring local authority will furnish a bulk supply at the parish boundaries—will invove a capital expenditure in each case almost equal to the total borrowing powers in respect of the parishes.

Another proposed scheme can only be carried through if the

Minister, apart from other financial considerations, is able to certify the scheme as being for the relief of unemployment (Sect. 6 of Local Authorities (Financial Provisions) Act, 1921). This again is for a scheme practically limited to supply mains, the water coming from a water company. A similar position is arising in another case, but in that instance the capital cost is increased by the necessity of constructing head works to utilise a new source of supply.

(b) *The Burden of Existing Rates.*

(15) The burden of rates in agricultural areas is well known and has led to the recent further extension of the Agricultural Rates Act, 1896, so that the future agricultural land will be assessed to all rates at a quarter only of its rateable value, instead of, as in the case of most rates, at a half, the difference annually being made up by an increased State grant. This extension is, however, of no direct effect as regards the burden of existing or future water schemes on agricultural land, as these are chargeable to the special expenses rate, in respect of which agricultural land has long been assessed at a quarter of its rateable value (Sect. 230, Public Health Act, 1875). On the other hand, by reducing the general burden of the rates, more particularly on that part of the rural areas (viz. the farms as opposed to the houses) which generally benefits least from water supply schemes, it may favourably effect, in some degree, the provision of rural water supplies.

(c) *Limited Income from Consumers.*

(16) In rural areas the difficulty of obtaining an income from the consumers in any way commensurate with the cost of the scheme is much greater than in urban areas. This is due not only to the physical conditions governing the scheme (such as the scattered houses involving long lengths of unremunerative mains), but to the generally low rateable value of the consumers' premises. Thus in a recent case in which conditions are favourable to cutting down the expense on mains, owing to the compactness and considerable population of the village to be supplied, the income reasonably obtainable appears likely to be small. It is estimated by the council at about £150 yearly from 135 cottages and 80 other houses. The rateable value of many of the cottages is said by the council to be as low as £2 to £3, and an annual water rate is expected to average 12*s.* 6*d.* from the cottages and 20*s.* from the other houses.

It would appear that the above figures (representing an average of threepence a week and fourpence halfpenny a week) must now be regarded as on the low side for an indoor supply. It may be mentioned that in recent local Acts the minimum weekly charge for indoor supplies is usually fourpence.

(d) *Decline of Villages.*

(17) The Ministry are sometimes confronted with statistics showing that a particular parish is steadily declining in population, and in such circumstances it is, of course, difficult for the Ministry to press upon the rural district council any considerable expenditure, however desirable the object.

In this connection the following table, taken from the preliminary report on the census of 1921 as regards England and Wales, is of interest :—

		1891.	1901.	1911.	1921.
Population	Urban	20,895,504	25,058,355	28,162,936	30,034,385
	Rural	8,107,021	7,469,488	7,907,556	7,850,857
Percentage of total population	Urban	72·0	77·0	78·1	79·3
	Rural	28·0	23·0	21·9	20·7

The Registrar General points out that "The present rural district population is slightly less numerically than the similar 1911 population. The increase within the existing rural areas, however, is not seriously below the mean for the whole country and indicates that the actual diminution is due merely to the normal growth of urban centres, and not to any serious migration from country to town such as that which took place during the latter half of the last century and which is reflected in the inter-censal changes shown in the above table for the decennia between 1881 and 1901."

The following are the relative figures of the population of the rural districts in 1911 and 1921, taking in both cases the areas as existing at the census of 1921 :—

1911	7,530,035
1921	7,850,857

This, it will be seen, bears out the above remarks, the increase being approximately 4 per cent. in the rural districts as compared with 5 per cent. in the population of England and Wales taken as a whole.

It must be borne in mind, however, that the increase of population in rural districts in the last decade is uneven. The increase is in fact most pronounced in those rural districts in which urban conditions most widely prevail. In fact, some of the counties, typically agricultural in character, show a stationary population or even a small decline.

(e) *Hostility of Outlying Interests.*

(18) No rural water schemes of any magnitude can be carried out without recourse to a rate in aid and, as in a rural area only a portion of the parish can, as a rule, be supplied with due regard to economy, opposition from the farmers and other ratepayers in the outlying portions of rural parishes, who will receive no direct benefit, is almost inevitable. The higher cost of schemes since the war and the consequential higher rate in aid have naturally intensified such opposition. This grievance is easy to understand, the owners and occupiers of the outlying properties having themselves to provide their own supplies, naturally object to make a heavy contribution in addition towards the cost of an improved supply to the more populous part of the parish, the existing supply to which may be in no way inferior to their own. It is difficult, moreover, to remedy the position so long as the revenue from water charges is low owing to the poverty of the villages.

(f) *Interdependence of Sewerage and Water Supply.*

(19) In the case of many rural districts the carrying out of a scheme of water supply leads to a demand for a system of sewerage owing to the difficulty of dealing with the increased volume of effluent by way of cesspools which need emptying at more frequent

intervals. Moreover, sewers of an elementary kind sometimes exist (such as highway drains improperly used for sewage) and when a piped water supply is provided these are utilised by the inhabitants to an increasing degree, with the consequence that the resultant pollution of rivers brings a demand for a proper system of sewerage and sewage disposal.

Conversely the execution of a sewerage scheme leads to an increased demand for water in order to secure adequate flushing.

This interdependence of sewerage and water supply schemes naturally accentuates the financial difficulty by depleting the legal borrowing power and by seriously adding to the rate burden. In fact, it is frequently necessary for the council to make a difficult choice, even when the anticipated financial burden is not an excuse, or indeed a genuine reason, for postponing both water supply and sewerage schemes. For example, the Minister last year sanctioned a loan for a sewerage scheme in a rural parish which raises a barrier to a water supply scheme, though this last is very desirable; it is debatable indeed which of the two schemes is the most needed. In the case of a water scheme put forward prior to the war, the Local Government Board urged the rural district council to adopt a cheaper scheme with a view to leaving themselves able to carry out a sewerage scheme subsequently. In a recent case two schemes of water supply and sewerage put forward concurrently have only been rendered legally feasible because the work was suitable for the unemployed (*i.e.* the Minister can certify both schemes under Sect. 6 of the Local Authorities (Financial Provisions) Act, 1921, and accordingly the normal limitation on borrowing does not apply); for the same reason some financial assistance by way of Government grant has been obtainable to ease the heavy double burden on the ratepayers.

(g) *Apportionment Difficulties.*

(20) Sect. 229 (fourth paragraph) of the Public Health Act, 1875, requires the cost of any part of a water supply scheme, which is for the common benefit of two or more parishes or other contributory places, to be apportioned between them. Quite apart from the difficulty of artificially dividing the works into those of common benefit and into those of exclusive benefit to each parish, and of arriving at an apportionment of the cost of the former which will be fair to all the parishes, such apportionment is a source of financial difficulty in carrying out schemes for a combination of parishes.

A scheme may be well within the borrowing powers of the parishes taken as a whole, but when the burden is divided (whatever logical basis is adopted for the apportionment) the scheme breaks down owing to the undue burden on a particular parish. Similarly as regards the burden on the rates such a combined scheme is naturally dependent on the strength of its weakest link. Moreover, when such a combined scheme is carried out it is impossible to forecast the relative benefit to be derived by the parishes over any long period, as the growth of the various parishes will inevitably vary. It is true that the apportionment can be so drawn as to admit of periodic revision, if necessary, to meet the varying growth of the parishes; but this is, in practice, rarely done.

In a recent case a rural district council whose district is in a

colliery area, have been driven for these reasons to put forward proposals to form practically the whole of their district into a united district under a joint board by combining with the council of an adjacent urban district. By this means alone can the rural district council secure a unified area for rating and borrowing for water supply purposes.

An instance of the varying growth of parishes in colliery areas has come under notice recently. Maltby and Stainton, adjoining parishes, had in 1901, a population of 716 and 224 respectively. In 1910 a mine was opened. In 1911 the population was 1,700 and 463. In 1921 the figures were 7,657 and 315, while the former has now increased to about 10,000, the population of Stainton remaining stationary.

Just before the war a comprehensive scheme was put forward for a number of rural parishes and, as two of these had insufficient borrowing power although badly in need of water, the rural district council proposed that only reduced proportions of the loan should be charged to the latter although their annual payments towards debt redemption and interest should be at the appropriate figure as if there had been no such reduction. The Local Government Board felt obliged to object that this proceeding would be at variance with the Public Health Act, and it was not until recently that two independent schemes, much curtailed in scope, have been put in hand.

This handicap is the more unfortunate as a scheme for several parishes is, in general, more economical and more efficient. This is particularly the case when owing to the impossibility of securing a gravitation supply, considerable annual expenditure in respect of pumping, including wages, is unavoidable. The annual cost of pumping is generally made up of the capital and interest charges, the cost of oil or other motive power, wages and other operating expenses, and of these the item for wages is usually the heaviest, particularly in the case of rural schemes. Many of these items will not be proportionately increased with an increase in the quantity of water pumped in order to serve a wider area.

(h) *Minor Financial Difficulties.*

(21) The above are the more important financial difficulties met with. Others, however, are sometimes in evidence. Thus small water companies, while not unwilling to extend their mains, may be unable to raise capital for the purpose. At the present time a water company are alleging difficulty in obtaining funds to extend their mains to a growing seaside village, notwithstanding the fact that the rural district council are willing to guarantee an adequate return on the capital required.

(i) *Economies.*

(22) The Department, in considering applications by local authorities for sanction to loans for public water supply schemes, frequently make suggestions for economies, either in the direction of the elimination of particular works as not being essential, or in the direction of postponing part of the works until conditions make their provision inevitable. Apart from reduction in the cost of headworks and reservoirs, some of the economies open at times to local authorities are the reduction in the size of mains, the elimination

of branch mains by the provision of standpipes, and the reduction of the depth of cover of mains. As regard the last, however, the Ministry find it increasingly difficult to allow any reduction of the usual depth of three feet of cover over mains as, apart from the danger of damage by frost, mains laid in roads are liable to damage by traffic, the weight of which, even in country roads, is rapidly growing. Moreover, a reduction in the size of mains does not generally result in any large economy, as, of course, the cost of cutting the trenches for the mains remains unaffected.

(23) One of the difficulties in connection with many rural areas is the length of trunk main necessary owing to the difficulty of finding adequate or wholesome local supplies. Thus in a recent case of a scheme for the supply of six parishes almost the whole cost of the scheme, absorbing nearly the entire borrowing powers, consists of the cost of the trunk mains. In another recent case it was pointed out by the inspector after visiting the district that the water supply problem of the neighbourhood is a difficult one, as all local sources are brackish and long lengths of main to convey water from a distance make the cost of any scheme prohibitive.

(24) As an obvious measure of economy in working costs the Department attach great importance to the prevention of waste, particularly where the supply has to be pumped.

(iii) *Physical Difficulties.*

(25) The physical difficulties met with in connection with public water supply schemes are mainly (a) the lack of supplies suitable and adequate in the immediate vicinity; (b) the depth and cost of borings in certain areas and consequentially the heavy and continuing expenditure on pumping; (c) the necessity of recourse to pumping in some instances, even when a surface supply is obtainable; (d) the frequent necessity for relatively expensive reservoirs, especially where the yield of the source is variable; and (e) the scattered arrangement of the houses and the long lengths of unremunerative mains which are, therefore, in almost all rural areas unavoidable.

Many of these difficulties are, of course, not peculiar to rural districts, but they are particularly felt in such districts as the need for economy is of the first importance.

(iv) *Legal Difficulties.*

(26) Many legal difficulties which arise out of the present state of the law, are naturally common to urban and rural areas, but here again such difficulties are often more acutely felt in the latter.

Reference has already been made to the difficulty arising out of the necessity for apportionment of part of the cost of schemes for two or more rural parishes (Sect. 20).

(a) *Acquisition of Water Rights.*

(27) One of the chief difficulties arising is the lack of any power in the general law as to public water supplies enabling a local authority compulsorily to acquire water rights as such, other than such limited water rights as may be acquired by purchase of a restricted area of land. This, in rural cases, leads to difficulty with

landowners in bargaining for reasonable terms (and thereby to delay as well as expenses), more often than to an actual abandonment of a scheme. The position is, however, frequently complicated by the necessity of obtaining the consent of a number of riparian owners, the risk of sensible damage to whom may be somewhat remote.

Any considerable interference with water rights involves, therefore, the promotion of a local Act, and this is, properly speaking, beyond a rural district council's power quite apart from the financial burden of promotion.

Power is given by the Housing, Town Planning, etc. Act, 1919 (Sect. 14), to abstract water from any river, stream, lake or the feeders thereof, but these powers are limited to a supply to a housing scheme.

(b) *Bulk Supplies.*

(28) Difficulty arises out of the restriction in Sect. 61 of the Public Health Act to the furnishing of bulk supplies from one local authority to that of an *adjoining* district only. To get over this difficulty, the Department have in several cases suggested that the supply should be given to the local authority of the adjoining district with a view to the passing of the supply on to the authority needing the supply. This system of "relaying" the supply, of course, necessitates the co-operation of the council of the intervening district, and it is not possible always to secure this.

Similarly there is, apart from specific provision in some local Acts, no authority at present for the bulk supply of water by a statutory water company to a local authority for distribution by the latter where the district is outside the company's statutory limits of supply.

An analogous difficulty which sometimes arises is the absence of any general power authorising one company to come to the assistance of another company by furnishing a bulk supply. This difficulty having arisen lately in connection with a proposed supply to a village, the Ministry unofficially tried without success to induce a water company to supply water in bulk temporarily to another water company pending the sinking by the latter of a new boring. The former company declined to be a party to an arrangement for which there was admittedly no statutory authority.

(c) *Purchase of Water Company's undertaking.*

(29) A further example of the necessity for co-operation between district councils is furnished by cases where a statutory company supplies areas in adjoining districts and the necessity for the purchase of the undertaking arises by reason of the inadequacy of the supply and the inability of the company to improve and extend its service. As a local authority may, under the general law, only acquire waterworks for the supply of its own district, such an undertaking cannot be sold entirely to one district council, but each council must purchase that part of the undertaking in its district and the council which acquires the headworks then affords a supply in bulk to the other. This, of course, implies that both local authorities must be in accord in desiring to purchase, but quite apart from this, such a complicated procedure is hardly calculated to facilitate the supply of rural areas. It has been avoided in certain

cases where provision has been made in the company's special Act for sale to the dominant local authority in the area of supply.

(d) *Supply on Guarantee of Income.*

(30) Statutory companies and local authorities acting under local Acts, are generally under the obligation contained in Sect. 35 of the Waterworks Clauses Act, 1847, to furnish a supply if a demand is made by so many owners and occupiers of houses as will provide a water rate amounting to one-tenth of the cost of laying the water main, provided they will guarantee the income for three years. The proportion and period have been increased in many recent local Acts. This increase, while not unfair in itself, has the effect, particularly when taken in conjunction with the increased cost of laying mains, of greatly restricting the obligation of the undertakers to furnish a supply on requisition, as the income to be guaranteed is materially greater.

There is often considerable difficulty in bringing into effect such a guarantee, as the necessary co-operation of (it may be) a considerable number of small owners is not easy to secure. Where the need for an improved supply affects a considerable number of houses the difficulty has been met by a guarantee on the part of the local authority, but the water company or other undertakers are under no obligation to accept their guarantee. An example of this has lately arisen in which the water undertakers have declined to go beyond their statutory obligations, and will not accept the rural district council's guarantee.

(e) *Difficulty in supplying Houses at an Elevation.*

(31) In many special Acts water undertakers are expressly exempted from supplying above a certain elevation, and in some cases only if cisterns are provided. Complaints have arisen in rural districts on account of such provisions, but it is not easy to suggest a remedy which would not cause hardship and be unfair to the water undertakers.

Somewhat similar in its result is the effect sometimes produced on the supply to houses in elevated situations by the extension of small schemes to supply additional houses, with the consequential reduction of the pressure in the mains. An instance of this defect in small schemes has recently come to the Department's notice.

(f) *Partial Monopoly of Statutory Company or Other Undertaker.*

(32) The restriction contained in Sect. 52 of the Public Health Act, 1875, forbidding a local authority from supplying water in the limits of a statutory water company (which expression includes other statutory water undertakers), except when the latter are unable or unwilling to supply, creates a barrier to the execution of water supply schemes, as generally speaking the company allege willingness to supply if and when they receive such a statutory guarantee as is referred to above (Sect. 30).

In many local Acts provision is made, by what is known as the re-entry clause, that, if after five years from the date of the Act, the company are not supplying or are not prepared on demand to supply, the company's powers shall cease. This, however, does not fully meet the difficulty, as generally the company profess their willingness to supply on receipt of the statutory guarantee.

(33) The extent to which this question may arise will be gathered from the following table (taken from the Return of Water Undertakings, 1914) showing the number of rural parishes which in 1913 were in statutory limits of supply and the number actually supplied.

Statutory undertakers.	Number of rural parishes within statutory limits.	
	Total.	Actually supplied.
Local authorities	876	534
Joint authorities	272	188
Companies	1,824	1,213
Private proprietors	18	16
Total	2,990	1,951

There is in the above table a small amount of duplication (affecting 108 parishes) as some parishes are partly in one and partly in another undertaker's limits or occasionally the whole parish is in two undertakers' limits. Disregarding this, however, about 30 per cent. of the rural parishes within the limits of statutory undertakers remained in 1913 wholly unsupplied. Many of the others were only supplied to a small extent. It will be seen, therefore, that the interests of a district may be prejudiced by inclusion in the statutory limits of a water undertaking.

(34) It is clearly desirable that the local authority should have power to bring to an end this deprivation of water in any area either by being empowered on terms fixed by arbitration to demand a supply in bulk from the company or other undertakers for distribution, or by the provision of simple means to secure a removal of the area from the latter's limits.

A similar difficulty arises where a parish is within the limits of a company or local authority, but can be more economically supplied otherwise. Thus in a case quite recently before the Department, it was found that a village close to the mains of one water company is in fact in the statutory area of supply of another company, whose mains are over a mile away, with the consequence that a supply can only be obtained at considerable cost. The cost of the extension of the latter company's mains is estimated at £1,100, as compared with £150 in the case of the former.

(g) *Insufficiency of Financial Limits for supply of Houses at Owner's Expense.*

(35) As regards the compulsory provision of water supplies by owners for individual houses, it is clear that the limits of capital expenditure fixed in 1878 by the Public Health (Water) Act—viz. £8 13*s.* 4*d.* or, with the Minister's consent, £13—have become obsolete. These limits were alleged to be inadequate even before the war.

(h) *Penalty on occupying New Houses lacking Water insufficient.*

(36) It seems clear, too, that the penalty provided by Sect. 6 of the Public Health (Water) Act, 1878, on failure to obtain a certificate as to the availability of an adequate supply of water

prior to the occupation of a house is at present inadequate in some instances (£10 maximum). It is not, it will be observed, a continuing penalty.

(v) *General Difficulties.*

(37) As has already been mentioned (Sect. 18), it happens not infrequently that conflict arises between the interests of the village and the interests of the farmers in the outlying portions of the parish. This conflict finds its expression in the council itself.

An example illustrating the difficulties of councils occurred recently. A large and comprehensive scheme was put forward dealing with practically the whole district, but, at the local elections, the water scheme became the chief question. In consequence a modified scheme was put forward embracing only those parishes for which councillors in favour of a scheme had been elected. The result is that in the case of one parish mains will be laid through the parish, but the latter is not to be supplied by the scheme. The Ministry, in view of the needs of the parish, pressed the council to alter their decision, but the latter felt themselves bound by the verdict of the local elections.

(38) The Department, of course, consider that the rural district council as a whole are the body responsible for the water supplies of their district, but in practice the former, whatever the evidence of the needs may be, undoubtedly find it difficult to set aside the views of parish councils, parochial committees, and the district councillors representing the parish.

IV.—SOURCES OF RURAL SUPPLIES.

At the present time the greater part of the more distinctly rural areas are, in the main, dependent on shallow wells or on springs for a supply.

(i) *Shallow Wells.*

(39) Shallow wells in the neighbourhood of dwellings are, as Sir Alexander Houston points out in his book on Rural Water Supplies, often liable to serious contamination. Moreover, such wells cannot be relied on to provide a sufficient supply in periods of drought.

Except in the case of public wells, rural district councils have no jurisdiction over wells beyond the power of applying to the Court for a closing order. They have no power to make byelaws or in any other way to secure the maintenance or improvement of existing wells (even if originally not properly constructed) or to control the surroundings against pollution except in so far as failure to keep the supply wholesome may ultimately render the owner liable to provide a new supply, if such can be provided within the very limited figures of cost set out in the Public Health (Water) Act, 1878.

Shallow wells are especially liable to pollution from leaky drains, cesspools, and privies, as well as from dung heaps and pig styes. The manuring of gardens with animal dung or the contents of privies is also a source of danger.

In a paper contributed to "Housing" it is pointed out that as a rule no water should be taken into a shallow well at a less

depth than 6 feet and that, for protective purposes, a 6-inch parapet should be provided round each well-head surrounded by a ring of concrete sloping away for 4 or 5 feet. The use of household pails for direct dipping into wells is to be condemned as being a constant source of pollution.

(ii) *Springs.*

(40) Springs, the other common source of supply in country districts, are in general less liable to pollution than shallow wells, as the passage of the water through the soil tends to rob it of its impurities. In many cases, however, springs are exposed to surface contamination owing to absence of fencing to keep out animals or owing to polluted ground at a higher level draining toward them.

(iii) *Rainwater.*

(41) Sir Alexander Houston devotes considerable attention to rainwater in his book on Rural Water Supplies. He points out that "from a health point of view rainwater has the advantage that it is practically free from the possibility of human excremental pollution," the most dangerous source of pollution, although when collected from roofs it is exposed to contamination by birds, mice, insects, etc. In the open country atmospheric pollution, which is considerable in towns, is slight.

In a paper contributed to "Housing" it is stated that "there is an unreasonable prejudice against the use of rainwater which appears to be entirely caused by neglect of precautions in gathering and storing it. As a matter of fact it is the finest supply available, is free from all disease-producing organisms, can be kept entirely from risk of pollution, brings out the flavour of all beverages made with it to perfection, and lastly is invaluable for cleansing purposes owing to its softness and the small amount of soap required when it is employed."

"As a rule the roof of a cottage of the dimensions usually provided for the occupation of a man and his family will, with sufficient storage, provide two gallons per occupant per day for the year."

The same article emphasises the need for keeping the roof clean, the importance of securing an adequate fall in the roof troughs, and of wiring over down spouts with a view to avoid collecting stagnant water and vegetable matter. It also explains the precautions to be taken in constructing storage tanks with a view to facilitating cleaning and to securing the supply against pollution. Where a church or a large range of roofs is available a piped service can be obtained to a hamlet of small size.

The Department have from time to time suggested the use of rainwater where a public supply was not available and the provision of a well was not likely to secure a good supply.

(42) In this connection it is perhaps of interest to note that the water supply at Gibraltar is from rainwater which is collected from a cemented rock surface and led into underground reservoirs.

V.—SUGGESTIONS MADE FOR REMOVING DIFFICULTIES.

(43) As regards piped supplies, the suggestions which have been made to meet difficulties have been, in the main, directed to amend-

ments of the law in order materially to reduce formalities, to provide greater facilities for bulk supplies, and to secure greater elasticity where parishes are included in the statutory limits of companies or other water undertakers who cannot economically supply.

(44) Proposals are on foot for the amendment of the provisions in the Public Health Acts dealing with water supply among other subjects.

The proposals under consideration include provision for the compulsory acquisition of water rights by Provisional Order (Sect. 27) and for affording greater facilities for securing bulk supplies of water so far as supplies to local authorities from other local authorities and from companies are concerned (Sect. 28).

Suggestions are also under consideration involving the amendment of the procedure for the purchase of the undertakings of water companies whose area of supply goes beyond the area of a single local authority (Sect. 29).

It is also proposed to make the limitations within which owners can be required to provide water supplies to their houses (Sect. 62 of the Public Health Act, 1875, and Sect. 3 of the Public Health (Water) Act, 1878) accord more closely with the altered value of money (Sects. 6 and 35). Further, it is under contemplation to increase the penalty for occupying a new house without a proper water supply available (Sects. 5 and 36).

It is also proposed that powers should be given to a local authority to agree with the owner of a house just outside their area to furnish him with a supply, subject, however, to the consent of any water company and of the local authority of the district in which the house is situated.

A number of suggestions for the simplification of procedure under the Public Health Acts are also under consideration.

(45) With a view to securing a measure of elasticity where parishes are included in the statutory limits of companies or other water undertakers who cannot economically supply, proposals have been made that powers should be given to the Minister to remove such parishes from the statutory limits and, if necessary, to place them in the limits of other undertakers, who may be able and willing to supply (Sects. 32 to 34).

VI.—POSSIBLE LINES OF APPROACH.

(46) The present tendency of water schemes, even in rural areas, is generally towards the promotion of larger and more comprehensive proposals, instead of a piecemeal treatment by means of small schemes for individual parishes. A large scheme is, in general, economical both in first cost and especially in management expenses, quite apart from the question of the increased efficiency of the supply which such a scheme usually secures.

(47) Rural district councils, however, in particular, encounter considerable difficulties in taking, at the outset, any comprehensive and far-seeing view of their water problem, largely owing to the present system of parochially charging the cost of works of water supply.

In carrying out any comprehensive scheme by gradual stages, rural district councils are hindered by the natural unwillingness of those parishes to be served in the first instance by the scheme, to

shoulder an increased burden, not for their own benefit but to meet the possible future needs of other parishes. These latter, on the other hand, are likewise reluctant to shoulder any part of the burden of a scheme, the benefits from which to them are contingent and even remote. The carrying out of a comprehensive scheme may necessitate, of course, provision not only for larger mains, but also for increased storage and more powerful pumps and the additional cost of a scheme planned to meet future needs may well therefore be heavy.

A glaring instance of this and quite simple in character lately came under notice. The Ministry had suggested that, with a view to the future supply of another parish, a proposed two-inch main should be increased in size. The rural district council acquiesced in the first instance, but the strong opposition of the parish to bear the additional cost (£400) has led to the abandonment of this proposal.

It cannot be said that the system of charging on a parochial basis such expenses as those incurred in the provision of public water supplies is generally unsound, but there is much to be said for more elasticity than is at present obtainable under the general law, particularly in cases in which comprehensive proposals for dealing with water supply seem the proper solution, having regard to local conditions.

(48) The difficulty arising from the parochial system of charging the cost of water supply schemes, can be got over under the general law by setting up a joint board as already mentioned (Sect. 20). This solution is, however, not often practicable.

Alternatively, with the Minister's approval, a " special drainage district " can be set up, consisting of any portion of a rural district with a view to providing a unified area for the purpose of charging thereon the cost of a water supply scheme. Thus several parishes or parts thereof might be combined. The Ministry do not, however, favour this course, because a special drainage district becomes a separate contributory place, not merely for water supply purposes, but for all purposes of the Public Health Acts, a result which is in general not desirable (Sects. 277 and 229, Public Health Act, 1875).

(49) As regards private supplies to individual houses, such as are inevitable in the more remote districts, it would appear that much is possible in the direction of improving many of the wells and other supplies by closer supervision. While it would no doubt be difficult in many villages to take fully adequate measures to safeguard wells, etc., from pollution or to secure the execution of structural works of improvement, the more dangerous sources of pollution could be brought, in many cases, under some degree of control, or at all events under such supervision as would tend to check, in the neighbourhood of wells, the accumulation of dung and the use of antiquated privies, which can without much difficulty be adapted as pail closets.

(50) Rural district councils have also in a few cases, in which a piped supply is out of the question, provided public wells and pumps. This plan, if more often adopted, would afford a means of supply which secures a greater measure of protective control than is possible in the case of private wells, even although a public well can never be so satisfactory or so convenient as a piped supply. It is possible for a council to sink a comparatively deep well which

is not as a rule exposed in the same degree to pollution as a shallow well. Such a well would, generally speaking, be too costly for a private owner to provide. One difficulty in adopting this course, however, is the absence of any power to rate the consumer in such cases.

(51) Quite apart from the desirability of a piped supply on grounds of health and convenience, there appears to be a field for inquiry as to whether any action is possible with a view to rendering wholesome existing sources of supply which at present fall short of a reasonable standard of purity. This applies to many private sources and to some public sources. It is not clear, however, that chlorination or the excess lime method of sterilisation can be properly commended to the inhabitants of rural areas for individual use under such limited supervision as the rural authority might be capable of furnishing.

MODEL SPECIFICATION OF WATER PIPES AND FITTINGS

PREPARED BY THE COMMITTEE APPOINTED BY THE MINISTER OF HEALTH TO CONSIDER AND ADVISE HIM ON QUESTIONS RELATING TO—

(a) THE CONSTRUCTION AND STANDARDISATION AND TESTING OF WATER PIPES AND FITTINGS; AND

(b) BYE-LAWS OR REGULATIONS FOR PREVENTING THE WASTE, UNDUE CONSUMPTION, MISUSE, OR CONTAMINATION OF WATER.

(This document was placed on sale, price 3*d.* net.)

WATER FITTINGS AND BYE-LAWS COMMITTEE.

1. New bye-laws relating to water fittings have for some time been in course of preparation on behalf of water undertakers. The proposals were arousing some anxiety among owners of property and others. The position with regard to the manufacture of water fittings also was not satisfactory, particularly as makers were not certain as to what was likely to be required of them.

In view of these conditions, the Minister of Health appointed in 1923 a committee to consider and advise him on questions relating to—

(*a*) the construction and standardisation and testing of water pipes and fittings; and

(*b*) bye-laws or regulations for preventing the waste, undue consumption, misuse, or contamination of water.

The committee is representative of all the interests affected, and consists of the following members :—

*E. A. Sandford Fawcett, C.B., M.Inst.C.E. (Chief Engineering Inspector, Ministry of Health), Chairman for part (*a*) of terms of reference.

A. N. C. Shelley, M.A., B.C.L., Barrister-at-Law (Principal of Department dealing with Bye-laws in the Ministry of Health), Chairman for part (*b*).

*E. Barber (of Messrs. Edward Barber & Co., Tottenham).

*Capt. S. F. Corby, M.C., M.Inst.W.E., M.R.San.I. (of Messrs. Doulton & Co., Ltd., London, Paisley and Burslem).
*J. P. Cox, J.P. (of the Institute of Plumbers, Ltd.).
*Lieut.-Col. J. R. Davidson, C.M.G., M.Sc., M.Inst.C.E. (Water Engineer, Liverpool Corporation).
F. W. Davies, M.I.Mech.E. (Water Engineer, Nottingham Corporation.
F. W. Davy, B.A. (of Messrs. Marsden, Burnett, Faithful & Davy, Solicitors, Secretary to the National Association of Water Users).
*F. J. Dixon, M.Inst.C.E., M.I.Mech.E., F.G.S. (Engineer-in-Chief, South Staffordshire Waterworks Company).
G. Topham Forrest, F.R.I.B.A., F.R.S.E., F.G.S. (Architect to the London County Council).
C. G. Henzell, M.Inst.C.E. (Water Engineer, Leeds Corporation).
*R. G. Hetherington, O.B.E., M.A., M.Inst.C.E. (an Engineering Inspector of the Ministry of Health).
T. A. McIntyre (of Messrs. Shanks & Co., Ltd., Barrhead and London).
A. Moore (of the Improved Industrial Dwellings Co., Ltd.).
*A. Mousley, M.B.E. (of Messrs. Charles Winn & Co., Ltd., Birmingham).
C. H. Priestly, M.Inst.C.E. (Water Engineer, Cardiff Corporation).
H. D. Searles-Wood, F.R.I.B.A.
H. R. Selley (of The Property Owners' Protection Association and National Federation of House Builders).
*W. H. M. Smeaton, M.R.San.I., R.P.C. (of The Worshipful Company of Plumbers).
*H. A. Smith (of Messrs. B. G. Smith & Sons, Ltd., Halifax).
*J. C. Smith, M.R.San.I. (of The Associated Master Plumbers, London), and
*H. E. Stilgoe, M.Inst.C.E. (Chief Engineer Metropolitan Water Board).
M. B. Percy of the Ministry of Health is the Secretary to the Committee.

2. The committee decided that in the first place it was desirable to draw up a specification showing what should be the minimum requirements as to water fittings; and for this purpose they appointed a sub-committee consisting of those of the above members whose names are starred. The sub-committee also had the assistance of Mr. H. F. Rutter, M.Inst.C.E., and others.

The sub-committee have drawn up a detailed specification of water fittings, which has been unanimously accepted by the main committee. It is a source of much satisfaction that a matter on which there has been so much controversy has been so satisfactorily settled. The work of the sub-committee was much facilitated by the help which they have received from manufacturers and others, and they wish to express their indebtedness for the assistance which was given to them.

The specification recommended by the committee is appended. It indicates what are considered to be the minimum requirements necessary in the construction of water fittings commonly in use in order to prevent waste of water and undue expense for repairs and renewals.

The details set out in the specification have been settled on the assumption that the materials and workmanship throughout will be of good quality. The committee realise that some deviations may be desirable in localities where the water supply has unusual characteristics.

3. The sub-committee also considered the question of the standardisation and testing of water fittings.

As regards standardisation, the committee hope that the specification now submitted will do much towards uniformity in the important parts of water fittings; but they do not consider that it is advisable to endeavour to enforce standardisation, at any rate at present.

As regards the testing of water fittings, the sub-committee consider that it would be well that all water fittings should be tested before they are fixed, but they are not prepared to recommend that at the present time legislation should be introduced to make testing compulsory.

They are of opinion, however, that it would be of great benefit if a sufficient number of testing stations were set up under the joint management of water undertakers and manufacturers in which there would be a uniform standard of testing. They believe that the stamp of any testing station of this kind on a water fitting would ensure its acceptance by all water undertakers, unless in a particular locality special requirements were necessary because of the composition of the water or other exceptional local conditions.

4. The next task before the committee is to consider what modifications should be made in the model form of bye-laws relating to water fittings now in use, and measures have already been taken to this end.

It has been thought well, however, to publish the appended specification at once without waiting for the completion of the work of the committee because it is important that manufacturers and others should know as soon as possible the result of the deliberations of the committee with regard to the specification for water fittings.

MINISTRY OF HEALTH.
1*st October*, 1924.

SPECIFICATION.

I.—DEFINITIONS.

" Undertakers " means an authority or company supplying water.

" Supply pipe " means a pipe directly subject to water pressure from the mains of the undertakers.

" Distributing pipe " means any pipe conveying water, supplied by the undertakers, from a storage or feed cistern or from a hot water apparatus, and under pressure from such cistern or apparatus.

" Storage cistern " means any cistern for containing water supplied by the undertakers other than a flushing cistern or a cistern for containing hot water.

" Feed cistern " means a storage cistern used for supplying cold water to a hot water apparatus.

" Warning pipe " means an overflow pipe so fixed that its outlet end is in an exposed and conspicuous position where the discharge of any water may be readily seen.

"Water-line" in a cistern means the top water level at which the cistern is designed to work.

"Gunmetal" means an alloy containing not less than 85 per cent. by weight of copper and not less than 5 per cent. by weight of tin, and having a tensile strength of not less than 12 tons per square inch of sectional area.

"Brass" means an alloy of copper and zinc, with or without lead or tin, containing not less than 62 per cent. by weight of copper and not more than 4 per cent. by weight of lead, and having a tensile strength of not less than 12 tons per square inch of sectional area.

"Corrosion-resisting alloy" means an alloy which is highly resistant to corrosion by the water supplied by the undertakers and which has a tensile strength of not less than 11 tons per square inch of sectional area.

"I.S.W.G." means Imperial Standard Wire Gauge.

II.—Supply, Distributing, Flushing and Warning Pipes.

(i) Every lead pipe should be solid drawn and of equal thickness throughout, and should be manufactured from virgin soft pig lead only, or from a mixture of not less than two-thirds virgin soft pig lead and not more than one-third thoroughly refined old lead.

Every lead pipe should be plainly marked at frequent intervals throughout its length with a figure representing the weight of the pipe in pounds per lineal yard.

Every lead pipe should be of the weight set out in the following tables appropriate to such pipe :—

I.—Lead Supply Pipes.

Bore not exceeding :	⅜ in.	½ in.	¾ in.	1 in.	1¼ in.	1½ in.	2 in.
Weight per lineal yard—	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
(*a*) For pressures not exceeding 110 feet head of water	4	6	9	12	16	18	24
(*b*) For pressures exceeding 110 feet head of water but not exceeding 250 feet head of water	5	7	12	16	21	27	33
(*c*) For pressures exceeding 250 feet head of water	52	9	16	21	28	36	48

II.—Lead Distributing Pipes.

Bore not exceeding :	⅜ in.	½ in.	¾ in.	1 in.	1¼ in.	1½ in.	2 in.
Weight per lineal yard—	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
(*a*) For cold-water pipes	4	5	8	11	14	18	24
(*b*) For hot-water pipes	4	6	9	12	16	18	24

III.—Lead Flushing Pipes and Warning Pipes.

Bore not exceeding :	¾ in.	1 in.	1¼ in.	1½ in.	2 in.
Weight per lineal yard	5 lbs.	7 lbs.	9 lbs.	11 lbs.	14 lbs.

(ii) Every cast-iron pipe should comply with the British Engineering Standards Specification (for the time being in force) for a test pressure equal to double the pressure to which the pipe will be subjected under normal working conditions.

(iii) Every wrought-iron pipe and steel pipe should comply with the British Engineering Standards Specification (for the time being in force) for pipes of steam strength and should be efficiently protected against corrosion. Malleable cast-iron fittings should also be of steam strength.

(iv) Every brass pipe and copper pipe should be solid drawn, and as regards quality, thickness of metal, and form of screw thread should comply with the British Engineering Standards Specification (for the time being in force) for such pipes. In the case of any pipe with suitable and efficient joints not being screwed joints the thickness of the pipe may be three gauges lighter than the British Engineering Standards Specification.

(v) Where a connection is made between an iron or copper pipe and a lead pipe a screw ferrule of corrosion-resisting alloy should be wiped on to the lead pipe.

(vi) Joints for lead pipes should be plumber's wiped soldered joints or some other equally suitable and efficient type of water-tight joint, and the length of all fittings intended to be connected to lead pipes should be sufficient to provide that not less than $1\frac{1}{4}$ inches of the fitting will be within the wiped joint.

(vii) Bends or curves in pipes should be made so as not to diminish or alter the internal diameter of the pipes in any part.

III.—CISTERNS.

(1) *General.*

Cold water storage cisterns, feed cisterns, and flushing cisterns should comply with the following requirements :—

(i) Every cold water storage cistern, feed cistern, and flushing cistern (other than automatic flushing cisterns) should be provided with a ball tap securely and rigidly fixed to the body of the cistern above the water-line. If a ball tap is fixed to any cistern through a side of the cistern it should be secured with a back-nut.

(ii) Every cold water storage cistern, feed cistern, and flushing cistern should be fitted with a warning pipe, and with no other overflow pipe. The internal diameter of the pipe should be not less than $\frac{3}{4}$ inch and in no case less than the diameter of the supply pipe, and it should be so fixed that the lip or invert of the pipe will be 1 inch above the water-line and not less than $1\frac{1}{2}$ inches below the top of the cistern.

(iii) The nipple, if any, of the warning pipe in every cold water storage cistern, feed cistern, and flushing cistern should be of corrosion-resisting alloy, screwed at one end, and fitted with a back-nut.

(iv) A suitable stop tap (*see* para. (iv) on p. 13) should be provided on every outlet pipe (other than a warning pipe) of a storage cistern or feed cistern, as near to the cistern as practicable.

(v) In addition to the above general requirements cisterns should comply with the detailed requirements set out in the following sub-sections relating to "Storage Cisterns and Feed Cisterns" and "Flushing Cisterns" respectively :—

(2) *Storage Cisterns and Feed Cisterns.*

(i) Every storage cistern and feed cistern should be of galvanised iron, slate, or other equally suitable material, or of wood lined with lead or copper.

(ii) The plates used in the construction of every galvanised iron cistern should be either welded or riveted together, and of the following minimum thicknesses, and the top of the cistern should be properly strengthened either with angle stiffeners or tie-bars.

Nominal capacity of cistern.	Thickness of side and bottom plates.
Not exceeding 40 gallons	16 I.S.W.G.
Exceeding 40 gallons but not exceeding 100 gallons..	14 I.S.W.G.
Exceeding 100 gallons but not exceeding 200 gallons..	12 I.S.W.G.
Exceeding 200 gallons but not exceeding 500 gallons..	$\frac{1}{8}$-inch plate.

For a larger cistern the thickness of plates and the method of construction should be proportioned to the volume and depth of water which the cistern will contain when full.

(iii) The wood used for cisterns lined with lead or copper should be well-seasoned and free from sap, finished not less than 1 inch thick; the lead should be of not less weight than 5 pounds per superficial foot, and the copper should be of not less than 22 I.S.W.G. The joints in a lead-lined cistern should be burned or wiped soldered joints, and the lead should be turned over the top edge of the cistern. The joints of a copper-lined cistern should be welted and brazed.

(iv) Every storage cistern and feed cistern should be provided with an efficient cover.

(3) *Flushing Cisterns.*

(i) Every lead-lined and copper-lined flushing cistern should comply with the requirements for lead-lined and copper-lined storage and feed cisterns, except that for a cistern of not exceeding 3 gallons capacity (*a*) the wood may be finished not less than $\frac{3}{4}$ inch thick and (*b*) if lead-lined, the lead-lining might be of not less weight than 4 pounds per superficial foot.

(ii) Every cast-iron cistern should be not less than $\frac{3}{16}$ inch thick, with a bead round the top, and should be efficiently protected against corrosion.

(iii) Every wrought-iron cistern should be made from sheets of a thickness of not less than 16 I.S.W.G., and should be efficiently protected against corrosion.

(iv) Every "earthenware," "fireclay," or "stoneware" cistern should be not less than $\frac{1}{2}$ inch thick.

(v) The cistern should have an efficient waste preventing apparatus of the valveless type.

(vi) The cistern should be longer and wider at the top than at

the bottom, and, in the case of cast or moulded cisterns, the corners should be rounded inside and outside.

(vii) The underside of the bend in the syphon pipe (or, in the dome pattern, the top of the straight discharge pipe) should be not less than $\frac{1}{8}$ inch above the top of the cistern.

(viii) The syphon (or dome and discharge pipe as the case may be) should either be of corrosion-resisting materials or be efficiently protected against corrosion.

(ix) The water-line should be plainly indicated on the inside of the cistern 1 inch below the lip or invert of the warning pipe at its inlet end.

(x) The ball tap should be of such design as to allow the cistern to fill rapidly, and should close when the water rises to the water-line.

(xi) The cistern should be provided with a suitable tail-pipe of corrosion-resisting alloy, with a cap and back-nut screwed to fit the outlet nipple.

(xii) If the cistern be of a capacity of not less than 2 gallons and not more than 3 gallons, the outlet nipple, the tail-pipe, and the flush-pipe should each be not less than $1\frac{1}{4}$ inches in internal diameter.

(xiii) The syphonic apparatus should be capable of being rapidly brought into action when the water is at the water-line, and should be so designed that a continuous flow of water through the flush-pipe cannot be obtained by any manipulation of the lever, nor any syphonic discharge take place until the cistern has filled up to at least 75 per cent. of its nominal capacity.

(xiv) The cistern should be capable of discharging at the rate of 2 gallons in 5 seconds when attached to a flush-pipe.

(xv) The cistern should not be capable of discharging at one flush more than its nominal capacity.

(xvi) The cistern should be so designed that there will be no appreciable decrease in the force of the flush during the discharge of the required quantity of water.

(xvii) No connection between the cistern and the flush-pipe, other than through the discharge syphon or dome, should be made.

IV.—WATER-CLOSET APPARATUS.

The pan or basin of a water-closet should be so constructed as to be effectively cleared by one discharge of the flushing apparatus.

V.—HOT WATER APPARATUS.

(i) All taps and fittings connected with any geyser * or other hot water apparatus, which will be under water pressure, should comply as regards strength, etc., with the general provisions in this specification.

(ii) Every hot water supply apparatus (including geysers), and every gas producer, gas engine, oil engine, or other apparatus in or by which water supplied by the undertakers is heated, should be supplied from a cold water feed cistern, or the cold water supply should be controlled by a bib tap or stop tap, and should not be

* It is essential that all geysers and similar gas-heated water apparatus should have an efficient chimney or flue pipe, fitted with a baffle as high in the room as possible, discharging into the open air and having a suitable terminal fitted.

connected directly to the water contained in the apparatus, but discharge into the air above it.

Provided that this paragraph shall not apply to any electrically heated apparatus properly designed and controlled as regards both water and electricity; or to any gas-heated geyser fitted with an efficient inlet valve automatically controlling both gas and water so that no gas (other than through a small byepass) can be released by the apparatus unless water is flowing through the geyser; or to small gas-heated apparatus (other than geysers) constructed with a free water outlet.

(iii) The nominal capacity of the cold water feed cistern, except where the hot water apparatus is used solely for the purpose of warming buildings, should be not less than 25 gallons in cases where such cistern is for use only in connection with the hot water apparatus or other apparatus in which water supplied by the undertakers is heated. If the cold water storage cistern is used as a feed cistern for the hot water apparatus any draw-off pipe, other than that supplying the hot water apparatus, should be connected at such a level as to leave (except as above provided) not less than 25 gallons of water always available for supply to the hot water apparatus only.

(iv) The outlet from the cold water feed cistern should be at, or not more than 2 inches above, the bottom of the cistern, and the connecting pipe should deliver water to the hot water apparatus only.

(v) The hot water cylinder or tank should be of galvanised iron, hard rolled copper, or other equally suitable material, and no copper loaded with lead should be used.

(vi) The thickness of the plates of which the cylinder or tank is made should be appropriate to the pressure to which the cylinder or tank will be subjected under normal working conditions.

(vii) If the cylinder or tank be of galvanised iron it should be made from sheets of a thickness of not less than 12 I.S.W.G. If the cylinder be of copper the bottom plate should be of not less thickness than 18 I.S.W.G., and the remainder of the cylinder should be of not less thickness than 20 I.S.W.G.

(viii) The cylinder or tank should be tested to double the pressure to which it will be subjected under normal working conditions, and it should be clearly marked with the pressure to which it has been tested.

(ix) No tap or other means of drawing off hot water (other than a screwed plug or lockable tap for emptying the system for cleaning or repair) should be connected to any part of the hot water system below the top of the hot water cylinder or tank in such a way that the level of the water in the cylinder or tank can be lowered.

(x) The primary flow and return pipes between the boiler and the cylinder or tank should be at least 1 inch in internal diameter. Provided that in the case of gas-heated apparatus the internal diameter of the return pipe might be not less than $\frac{3}{4}$ inch, and, if at the point of connection with the cylinder or tank the return pipe be formed of a corrosion-resisting alloy, the internal diameter might at that point be further reduced to $\frac{1}{2}$ inch. The feed pipe from the cold water feed cistern to the cylinder or tank should be not less than $\frac{3}{4}$ inch in internal diameter.

(xi) The expansion pipe should be not less than $\frac{3}{4}$ inch in internal

diameter, and should be carried up so that the highest part of the pipe will be at least 1 foot 6 inches above the water-line of the cold water feed cistern for every 25 feet in height between such cistern and the boiler.

(xii) An efficient safety valve should be fitted to the boiler or to one of the primary circulating pipes as close to the boiler as practicable, except in the case of gas-heated apparatus fitted with an efficient thermostatic control.

VI.—BATHS, LAVATORY BASINS, AND SINKS.

Every bath, lavatory basin, and sink supplied with water should comply with the following requirements :—

(i) The inlet or inlets should be distinct from, and unconnected with, the outlet.

(ii) The outlet should be provided with a visible and well-fitted water-tight outlet plug or other easily accessible and equally suitable outlet.

(iii) If the cold water be supplied otherwise than through a cistern the overflow should be below the level of the nose or outlet of the cold water inlet.

(iv) The overflow pipe should be so fixed that its outlet, or the outlet of any waste pipe with which it communicates, is, where possible, in an exposed and conspicuous position where the discharge of any water may be readily seen.

VII.—TAPS AND VALVES.

(1) *General.*

Stop, bib, pillar, globe, and ball taps should comply with the following requirements :—

(i) All valves, spindles, and other internal parts should be made of a corrosion-resisting alloy.

(ii) If the shank of the tap be screwed it should have a British Engineering Standard pipe thread.

(iii) All unions should be of the ground-in or shouldered washer type.

(iv) In addition to the above general requirements stop, bib, pillar, globe, and ball taps should comply with the detailed requirements set out in the following sub-sections relating to " Stop, Bib, Pillar, and Globe Taps " and " Ball Taps " respectively.

(2) *Stop, Bib, Pillar, and Globe Taps.*

The following requirements, and the minimum dimensions set out in the Table appended hereto, are intended to apply to stop, bib, pillar, and globe taps of the ordinary pattern, or to parts of such taps ; but the same principles should be observed as far as possible in the construction of taps or parts of taps of special design.

(i) Every tap when fully assembled should pass a test pressure of 300 pounds per square inch.

(ii) The waterway of the tap (exclusive of the tail-pipe) should be not less in any part than seven-eighths of the nominal size of the tap, that is of the diameter of the bore through the seating for the valve.

(iii) The valve should be made in one piece, true all over, and machined on the face on which the washer will be seated.

(iv) The valve should be free to rotate, and, in the case of hot water taps, and of all stop taps on distributing pipes, the valve should be secured so as to lift with the spindle.

(v) The lift of the valve should be sufficient to provide a full waterway of the nominal size of the tap.

(vi) The top of the valve plate should be clear of the bottom of the cover when the tap is fully open.

(vii) The valve stem should slide and turn easily in the bore in the spindle but the diameter of the stem should be only $\frac{1}{32}$ inch less than that of the spindle bore.

(viii) The length of the valve stem should be such that it will be sufficiently inside the tap spindle, when the tap is fully open, to prevent the possibility of the valve stem coming out of the tap spindle when the valve plate, without any washer, is resting on the seating.

(ix) The diameter of the valve plate should be not less than the external diameter of the seating.

(x) The washer of a cold water tap should be of specially prepared leather or of other equally suitable material.

(xi) The washer of a hot water tap should be of good quality fibre or of other equally suitable material.

(xii) The seating of the tap should be raised not less than $\frac{1}{16}$ inch, and the arrises should be *slightly* rounded.

(xiii) If the cover be of brass, the spindle should be of gun-metal or other equally suitable corrosion-resisting alloy not being brass.

(xiv) The length of the spindle screw should be such that when the valve plate is resting on the seating without any washer a length of the screw equal to not less than three-quarters of the external diameter of the screwed portion of the spindle will be in full engagement with the internal screw of the cover.

(xv) The length of the spindle between the stuffing-box and the under side of the crutch should be such that when the tap is closed the stuffing-box can be readily repacked.

(xvi) The pitch of the thread of the spindle screw should be as indicated in the Table appended hereto.

(xvii) The pitch of the thread of the external screw of the cover should be less than the pitch of the thread of the screw of the spindle, and should not be a multiple of that pitch.

(xviii) The word "inlet," or a direction arrow, should be cast or stamped on the inlet side of every stop tap.

(3) *Ball Taps.*

(i) Every ball tap should be of one of three classes, namely, "High Pressure" ("H.P."), "Low Pressure" ("L.P."), or "Full-way" ("F.W."); and should have the letters "H.P.," "L.P.," or "F.W." cast or stamped on the body of the fitting.

(ii) Every high pressure tap should close against a test pressure

of 200 pounds per square inch; every low pressure tap against a test pressure of 50 pounds per square inch; and every full-way tap against a test pressure of 10 pounds per square inch.

(iii) The minimum thickness of the metal in the body of the ball tap should be the same as in the Table of dimensions for stop, bib, pillar, and globe taps appended hereto, the internal diameter of the inlet of the ball tap being taken as the nominal size of the tap.

(iv) The size of the orifice, the size of the float or ball, and the length of the lever, should be properly proportioned to one another so that the tap will be watertight against the test pressure.

(v) The inner arris of the seating should be *slightly* rounded and the outer arris *well* rounded.

*(vi) The washer should be of good quality rubber or of other equally suitable material, not less than $\frac{1}{8}$ inch thick, and should be enclosed in an internally flanged cap screwed to the piston.

*(vii) The diameter of the cotter pin should be not less than $\frac{3}{16}$ inch.

(viii) In the piston type of ball tap the length of the piston-bearing should be (*a*) for the horizontal type, not less than $1\frac{1}{2}$ times the diameter of the piston and (*b*) for the vertical type, not less than $1\frac{1}{8}$ times the diameter of the piston, and the range of action of the piston should be such that the tap will close when the washer is reduced in thickness by $\frac{1}{8}$ inch.

(ix) The material to be used for the lever should be a corrosion-resisting alloy, or copper, and of such quality and section that the lever can be bent for purposes of adjustment but will show no permanent set after supporting a 5 pound weight in the manner shown in the following diagram :—

(*Diagram.*)

*(x) The float should either be a ball of an external diameter not less than $4\frac{1}{2}$ inches, or be of some other shape with an equivalent displacement.

(xi) If the float be a copper ball, the minimum thickness, when finished bright, should be 26 I.S.W.G. in cases where the external diameter of the ball does not exceed $6\frac{1}{2}$ inches, and 24 I.S.W.G. in cases where the external diameter of the ball exceeds $6\frac{1}{2}$ inches; and if the float be of copper of some other shape it should be of equal strength. The jointing of the float should be by means of an efficiently burnished, lapped, and soldered seam.

(xii) The arrangement for attaching the lever to the float should be such that the float cannot be damaged by the lever being screwed too far into or through the attachment stud.

(xiii) If a silencing pipe be provided it should have three or four small holes drilled near the top of the pipe to prevent the possibility of syphonage back into the supply pipe.

(xiv) If the pipe to which the ball tap is to be attached be of lead, the tail-pipe should be provided with a union for a wiped joint.

* The dimension specified applies only to ball taps of a nominal size of $\frac{1}{2}$ inch. For larger ball taps the dimension should be suitably increased.

(*Drawing of Bib-tap.*)

STOP, BIB, PILLAR AND GLOBE TAPS.

Minimum Dimensions.

	Nominal size of tap :—	⅜ in.	½ in.	⅝ in.	¾ in.	1 in.	1¼ in.	1½ in.	2 in.
		in.	in.	in.	in.	in.	in.	in.	in.
1 (*a*)	Diameter of spindle	$\frac{5}{16}$	$\frac{3}{8}$	$\frac{7}{16}$	$\frac{1}{2}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{13}{16}$
(*b*)	Diameter of spindle screw	$\frac{1}{2}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{3}{4}$	$\frac{7}{8}$	1	$1\frac{1}{8}$
(*c*)	Pitch of spindle screw (Vee thread) per inch	10	10	10	10	10	9*	8*	7*
(*d*)	Diameter of bore in spindle for valve stem	$\frac{7}{32}$	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{9}{32}$	$\frac{5}{16}$	$\frac{11}{32}$	$\frac{3}{8}$	$\frac{7}{16}$
(*e*)	Turns of spindle (fully open to shut)	2	$2\frac{1}{2}$	$2\frac{1}{2}$	$2\frac{1}{2}$	3	4	$4\frac{1}{2}$	$4\frac{1}{2}$
2	Diameter of gland screw in stuffing-box (over thread)	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{13}{16}$	$\frac{15}{16}$	$1\frac{1}{16}$	$1\frac{3}{16}$	$1\frac{3}{8}$
3	Outside diameter of stuffing-box	$\frac{3}{4}$	$\frac{13}{16}$	$\frac{15}{16}$	$1\frac{1}{16}$	$1\frac{1}{4}$	$1\frac{7}{16}$	$1\frac{5}{8}$	2
4 (*a*)	Depth of external screw of cover	$\frac{11}{32}$	$\frac{3}{8}$	$\frac{13}{32}$	$\frac{7}{16}$	$\frac{1}{2}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{3}{4}$
(*b*)	Depth of screw in cover for spindle	$\frac{15}{32}$	$\frac{17}{32}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{25}{32}$	$\frac{7}{8}$	1
(*c*)	Depth of hexagon on cover	$\frac{5}{16}$	$\frac{3}{8}$	$\frac{7}{16}$	$\frac{1}{2}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{3}{4}$
5 (*a*)	Diameter of valve plate	$\frac{5}{8}$	$\frac{3}{4}$	$\frac{7}{8}$	$1\frac{1}{32}$	$1\frac{5}{16}$	$1\frac{19}{32}$	$1\frac{7}{8}$	$2\frac{1}{2}$
(*b*)	Thickness of valve plate	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{5}{32}$	$\frac{5}{32}$	$\frac{3}{16}$	$\frac{3}{16}$	$\frac{1}{4}$
(*c*)	Length of valve stem	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{3}{4}$	$\frac{7}{8}$	1	$1\frac{1}{8}$	$1\frac{5}{16}$	$1\frac{1}{2}$
(*d*)	Diametral clearance between valve plate and cover screw in body of tap	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{3}{32}$	$\frac{1}{8}$	$\frac{1}{8}$
6	Thickness of washer (new)—								
	(*a*) for hot-water taps	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{5}{32}$	$\frac{5}{32}$	$\frac{3}{16}$	$\frac{3}{16}$	$\frac{7}{32}$
	(*b*) for cold-water taps	$\frac{5}{32}$	$\frac{5}{32}$	$\frac{5}{32}$	$\frac{3}{16}$	$\frac{3}{16}$	$\frac{7}{32}$	$\frac{7}{32}$	$\frac{1}{4}$
7 (*a*)	Outside diameter of seating	$\frac{5}{8}$	$\frac{3}{4}$	$\frac{7}{8}$	$1\frac{1}{32}$	$1\frac{5}{16}$	$1\frac{19}{32}$	$1\frac{7}{8}$	$2\frac{1}{2}$
(*b*)	Width of seating	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{9}{64}$	$\frac{5}{32}$	$\frac{11}{64}$	$\frac{3}{16}$	$\frac{1}{4}$
8	†Thickness of metal in body other than machined parts	$\frac{5}{64}$	$\frac{5}{64}$	$\frac{3}{32}$	$\frac{7}{64}$	$\frac{7}{64}$	$\frac{1}{8}$	$\frac{5}{32}$	$\frac{3}{16}$
9	Finished thickness of machined parts	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{9}{64}$	$\frac{9}{64}$	$\frac{5}{32}$	$\frac{3}{16}$	$\frac{1}{4}$	$\frac{1}{4}$

* Whitworth bolt thread.

† Thickness of metal supporting seating to be not less than width of seating.

III.—CASES.

Pipe Passing Under Railway Viaduct—Proposal to Substitute Embankment for Viaduct—Danger to Safety of Water Pipe—New River Company's Act, 1897, ss. 4, 15.]—The New River Co. was authorised by a private Act to construct a water pipe under a railway, one of the conditions being that the New River Co. should have only an easement. The undertaking of the New River Co. afterwards became vested in the plaintiff board, and the railway company granted the easement to the plaintiffs by a deed which provided that the railway company was not to be precluded thereby from altering their railway "without being liable to compensate the board for any damage or injury which may be occasioned thereby to the works of the board, unless such damage or injury shall be occasioned by any wilful act or default of the railway company." The pipe was laid under the railway beneath a viaduct, and, the defendants having proposed to build a solid embankment instead of the viaduct, the plaintiffs claimed a declaration that the defendants were not entitled to obstruct the access to the water pipe by making an embankment. The ct. found that the proposed work would endanger the safety of the water pipe:

HELD—that the defendants were not entitled to construct a solid embankment on the side in question so as to obstruct access to, or damage or endanger, any part of the plaintiffs' water pipe.

METROPOLITAN WATER BOARD *v.* LONDON AND NORTH-EASTERN RY. CO. (1924), 131 L. T. 123; 88 J. P. 101; 40 T. L. R. 396; 22 L. G. R. 383—Tomlin, J.

IV.—DEPARTMENTAL DECISIONS.

Collection of London Water Rates.

In the House of Commons on 15th November, 1923, Mr. A. M. Samuel asked the Minister of Health whether he was aware that deficiencies in the water fund of the Metropolitan Water Board fell upon the London borough rates; and whether he would suggest to the councils concerned that they should act as the collecting agents of the Water Board, include the water rate on their general rate demand notes, and so collect the water rate at the same time as they collect their own rates, paying over to the Water Board the water rates thus collected, plus their respective contributions towards the Water Board's deficiencies, if any, and thus save a large sum to the ratepayer by the elimination of the cost of the present duplicated machinery of collection.

Sir W. Joynson-Hicks replied: This is a matter primarily for the Water Board. But I would draw my hon. friend's attention to the report of the Departmental Committee on the Metropolis Water Acts (Cmd. 845), in which they stated (p. 20) that "... we do not think that a sufficient case has been made out to lead us to advocate a change from the present system of collecting water charges."

Water Rates—Rural District—Water from Standpipe—Alternative Supply—Liability of Owner or Occupier to Rates—Public Health (Water) Act, 1878.

Under the Public Health (Water) Act, 1878, water rates may be levied in a rural district on the owner or occupier of dwelling-houses within two hundred feet of a standpipe in the same manner as if the supply had been given on the premises. If, however, a person whose house is within this

distance can show that he has a sufficient supply of wholesome water from some other source, and that the inmates do not use the water provided by the rural district council, no water rate is recoverable in respect of that house. A rural district council were advised by the Ministry of Health that the Act could not be construed in the sense that if the public supply were once used the house would be for ever liable to water rate. The deciding factor was whether, during the currency of the rate which it was sought to enforce, the inmates had used the water.

Water Supply to New Houses.

The Ministry of Health gave an important decision touching Sect. 6 of the Public Health (Water) Act, 1878 (which applies to rural districts only unless applied to a particular urban district by special order). The Local Government Board always doubted whether, if they issued an order in the case of an urban authority, it would have the effect of imposing a duty on owners. The Ministry of Health have reviewed this opinion and are willing to entertain applications by urban authorities for orders declaring Sect. 6 to be in force in the urban district.

WORKMEN'S COMPENSATION.

I.—STATUTES.

WORKMEN'S COMPENSATION (SILICOSIS) ACT, 1924.

14 & 15 Geo. 5, c. 40.

[7th August 1924.]

1. Section one of the Workmen's Compensation (Silicosis) Act, 1918, shall have effect subject to the following amendments :—

(1) The proviso to subsection (1) (which restricts the cases in which compensation may be paid where the silicosis is accompanied by tuberculosis) shall be omitted :

(2) In subsection (2) (which relates to the scale of compensation) for the words " disablement due to silicosis unaccompanied by tuberculosis " there shall be substituted the words " disablement due to silicosis or silicosis accompanied by tuberculosis " :

(3) In paragraph (*d*) of subsection (3) (which relates to the appointment, remuneration, duties and powers of medical officers and advisory medical bodies) after the words " medical officers " there shall be inserted the words " medical boards " :

(4) In paragraph (*e*) of subsection (3) for the words " and for the suspension from employment of workmen who are found to be suffering from silicosis or from silicosis accompanied by tuberculosis " there shall be substituted the words " and for the suspension from employment of workmen who are found at any time to be suffering from silicosis or tuberculosis,

or silicosis accompanied by tuberculosis, or who, when first medically examined in pursuance of the scheme, are found unsuitable for work in the industry or process by reason of their failure to satisfy such requirements with respect to physique as may be prescribed by the scheme":

(5) In paragraph (*f*) of subsection (3) (which relates to the supplemental matters which may be included in a scheme) after the words "supplemental matters" there shall be inserted the words "including provisions as to the determination of disputes arising between employers and the authority administering the fund."

2. This Act may be cited as the Workmen's Compensation (Silicosis) Act, 1924, and the Workmen's Compensation (Silicosis) Act, 1918, and this Act may be cited together as the Workmen's Compensation (Silicosis) Acts, 1918 and 1924, and the Workmen's Compensation Acts, 1906 to 1923 (*a*), and this Act may be cited together as the Workmen's Compensation Acts, 1906 to 1924.

II.—ORDERS, CIRCULARS, AND MEMORANDA.

S. R. AND O., 1924, No. 1367.

THE WORKMEN'S COMPENSATION (MEDICAL REFEREES) ORDER, 1924, DATED 3RD DECEMBER, 1924, MADE BY THE SECRETARY OF STATE UNDER SUB-SECT. (3) OF SECT. 11 AND SUB-SECT. (1) OF SECT. 25 OF THE WORKMEN'S COMPENSATION ACT, 1923, PRESCRIBING THE FEE TO BE PAID BY THE APPLICANT IN RESPECT OF THE SERVICES AND EXPENSES OF THE MEDICAL REFEREE.

* * * * * *

For the removal of doubts it is hereby prescribed that the fees to be paid by applicants in respect of the services and expenses of the medical referee in cases where a reference is made to a medical referee under paragraph fifteen or paragraph eighteen of the First Schedule to the Workmen's Compensation Act, 1906, as amended by the Workmen's Compensation Act, 1923, or a medical referee is summoned on the application of one of the parties to sit with the County Court Judge as assessor, or a report of a medical referee is obtained under Sect. 12 (1) (*b*) of the Workmen's Compensation Act, 1923, shall be the corresponding fees directed to be paid to the medical referee under Regulations 13, 18, 19 and 35 respectively of the Workmen's Compensation (Medical Referees in England and Wales) Regulations, 1923, dated 17th December, 1923, and the Workmen's Compensation (Medical Referees in Scotland) Regulations, 1923, dated 17th December, 1923.

(*a*) *I.e.* the Workmen's Compensation Act, 1906; the Workmen's Compensation (Anglo-French Convention) Act, 1909; the Workmen's Compensation (Illegal Employment) Act, 1918; the Workmen's Compensation (Silicosis) Act, 1918; and the Workmen's Compensation Act, 1923.

INDEX

ACCOUNTS. *See* AUDIT.
application of adjustment moneys by local authority in case of alteration of boundary, 19.
municipal, 1.
reopening of fraudulent, 3.

ACTIONS,
local authority, by or against, 5.
return showing number of proceedings for recovery of possession of tenements, August, 1923, to March, 1924..208.

AGRICULTURE. *See* ALLOTMENTS.
exhibition, profits from agricultural exhibition, when exempt from income tax, 12.
regulation of wages, 6 *et seq.*
wages committee, constitution of, 6, 10.
wages board, constitution of, 6, 11.

AIR,
report of advisory committee on atmospheric pollution, 6.

ALLOTMENTS,
preparation of list of, by county councils, etc., 13.
renewal of leases of, 13.
reports of proceedings under Allotments Acts, 1908-1922..13.

ANCIENT MONUMENTS,
further additions to list of, 14.

ANIMALS,
anti-rabic treatment, 15 *et seq.*
cattle pleuro-pneumonia account, 14, 15.
diseases of, 14.
list of, orders made during 1924..18.
foot and mouth disease, committee of inquiry, 15.

AREAS OF LOCAL GOVERNMENT,
report of Royal Commission, 19.
village in two counties, 19.

AUDIT,
disallowance by auditor of excessive payments, 2. *See* POPLAR ORDER.
illegal payments, 327, 329.
reorganization of audit service of Ministry of Health, 2.

AUSTRALIA,
assisted passages to, for poor persons, 79.

BLIND, THE,
advisory committee on welfare of, 20.
restriction on power of local authority to provide treatment and glasses, 20.
schools for partially, 20.
welfare of, exhibit of Ministry of Health at British Empire Exhibition, 303.

BRIDGE,
liability of canal company to maintain bridge over canal, 147.
local authority "taking over," liability to repair, 147.
recent activity in building, 145.
taken over by county council, 149.

BRITISH EMPIRE EXHIBITION,
exhibits of Ministry of Health at, 302, 303.
visits of school children to, 74.

BUILDINGS,
appointment by the King of a Royal Fine Art Commission, 21.
building line, 24.
isolation hospitals, for, types, 154.
police, plans of, 315.
report on present position of building industry with reference to supply of labour and materials, 208.
provision of educational, 71.
reducing scope of bye-laws, 24.

BUILDING SOCIETIES,
guarantees to, 207.

BURIALS,
acquisition of all interests in land necessary, 23.
disposal of paupers' bodies, 330.
land useless as burial ground, 22.
Jewish burial ground, 23.

BYE-LAWS,
building line, 24.
railway company's rights, 23.

CAB. *See* HACKNEY CARRIAGES.

CANADA,
assisted passages to, 81.

CANALS,
continuance of Charging Powers Act, 1924..24.
liability of canal company to maintain bridge over, 147.

CANCER,
antecedents of cancer of the breast, 52.
memorandum on cancer of the breast; the results of treatment by operation, 50–56.
memorandum on effects of radium and X-rays upon normal and cancerous tissues, 39–49.
memorandum on experimental cancer research, 56–64.
natural course of cancer of the breast, 51.
operation mortality, 51.
results of operation, 54.
treatment of cancer of the breast, 52.
varieties of operation, 53.

CASUAL WARDS,
survey by Ministry of Health of the structure, equipment, and accommodation of, 318.

CESSPOOLS,
voluntary cleansing of, by local authority, whether empowered to rescind undertaking, 25.

CHAPEL,
meaning of, in Public Health Act, 1875..307.

CHARITIES,
school carried on by company, held to be a trade and assessable to income tax, 25.

CHILDREN,
blind, schools for partially, 20.
child welfare and maternity, 27, 28.
emigration of, to Australia, assisted passages, 80.
emigration of, to Canada, assisted passages, 81.
health of school child: annual report of Chief Medical Officer of Board of Education for 1923..72.
insurance moneys payable on death of, limit to, 26.
meals at secondary schools, provision of, 74.
mentally defective, circular of Board of Education, 297.
visits of, to British Empire Exhibition, 74.

CINEMATOGRAPH,
condition attached to licence, whether unreasonable, 31.
delegation of power of supervision to the British Board of Film Censors, not *ultra vires*, 31.
regulations with respect to use of cinematograph and similar apparatus in film stores, 31.

COMMONS,
annual report of proceedings under Tithe, Copyhold, Inclosure and Commons Acts for 1923..35.
regulation of, 32.
report from the Select Committee on, 35.

CONSTABULARY. *See* POLICE.

COUNTY COUNCIL,
contributions to Thames Conservators, 349.
county councils (assisted schemes for the housing of employees) amendment regulations, 173.
increased contributions to, for houses built, 179.
memorandum by Minister of Health on Housing (Financial Provisions) Act, 1924..177.
preparations of lists of small holdings, 13.
renewal of lease of small holdings by, 13.
taking over of bridge by, 149.

DEVELOPMENT COMMISSION,
advances in aid of cost of sea defence works, 355.
report of, for year 1923–1924..37.

DISEASES. *See* ANIMALS.
cancer. *See* CANCER.
foot and mouth, committee of inquiry, 15.
list of, of animals made during 1924..18
notification and prevention of, 38.
prevention of, exhibit of Ministry of Health at British Empire Exhibition, 302.
sleeping sickness, issue of revised memorandum, 69.
tuberculosis regulations, 64.
venereal, list of treatment centres, 69.

DISTRICT COUNCIL,
change of name, 70.
disqualification of member of, 70.

DOGS,
anti-rabic treatment, 15 *et seq.*

DRAINS,
neglect of local authority to provide proper system, remedy for damage caused, 356.

EDUCATION. *See* SCHOOL; SUPERANNUATION.
blind children, schools for, 20.
dismissal of teachers by local education authority, educational grounds, 72.
fees, increase of, in public secondary schools, when unlawful, 73.
orders, etc., issued during 1924..72.
public education in health; memorandum by Chief Medical Officer to Ministry of Health, 72.
report of Board of Education for 1922–3..72.
visit of school children to British Empire Exhibition, 74.

ELECTIONS,
registration of electors, 75.
time for delivery of nomination papers, 75.

ELECTRIC LIGHTING AND POWER,
annual report of Electricity Commissioners, 78.
application of electricity profits, 76.
consent of Electricity Commissioners to extension of generating station, 79.
meters, 77.
provision by local authority of, to work tramway, 398.

EMIGRATION,
assisted passages to Australia, 79.
assisted passages to Canada, 81.
assisted passages to New Zealand, 82.
poor persons' migration at cost of poor rates, 79.

EMPLOYMENT. *See* WORKMEN.
of young persons in factories, medical examination of, 92.

ENTERTAINMENTS,
tax on, provisions of Finance Act, 1924..85.

EXPLOSIVES,
conveyance of, by roads, 87.

EXPIRING LAWS CONTINUANCE ACT, 1924,
continuation of expiring Acts, 3–5.

FACTORIES AND WORKSHOPS,
orders of Secretary of State under Factory and Workshop Acts, 93.
medical examination of young persons for employment in, 92.
report of Chief Inspector of, for 1923..93.

FERTILIZERS,
report of departmental committee, 93.

FINANCE ACT, 1924,
entertainments tax, 85.
exemption from stamp duty of certain receipts, 307–308.
increase of, or addition to, salary, etc., chargeable to income tax as salary and not as perquisites, 307.
inhabited house duty, repeal of, 170.
profits arising from agricultural exhibition, when exempt from income tax, 12.
repayment of duty by way of rebate in respect of mechanically propelled vehicles, 275.
stamp duty amendment on leases of certain dwelling-houses, 171.

FINE ART COMMISSION,
appointment of, 21.

FIRES,
liability of railway company for, caused by sparks from engine, 93.

FOOD. *See* MEAT; MARGARINE.
compensation in respect of requisition of imported bacon, 106.
preservatives and colouring matter in; report of Departmental Committee, 94.
provision of meals for children in secondary schools, 74.

FOOT AND MOUTH DISEASE,
committee of inquiry, 15.
outbreak of, in slaughter-houses, 357.

FORESTRY,
fourth annual report of Commissioners, 110.
vesting of certain properties of the Crown and Commissioners of Woods in Forestry Commissioners, 106.

FRIENDLY SOCIETIES ACT, 1924,
insurance moneys payable on death of children, limit to, 26.

GAS,
implied powers of statutory company, 110.
rate of contribution to gas fund for 1924..110.

HACKNEY CARRIAGES. *See* LICENSING; MOTORS.
cab fares, 118.
hiring, 119.
licensing of cabs and stage-carriages, 111.
licensing of drivers of cabs and stage-carriages, 116.
mechanically-propelled, 289.
regulations as to cabs and stage-carriages, 117.
taximeters, distance recorders, etc., 120.

HIGHWAY. *See* TRAFFIC; BRIDGE.
bridges, recent activity in building, 145.
damage to, by badly sprung heavy motor vehicles, 149.
removal of snow from, power of rural authority to charge for, 148.
road, taking over of, by local authority, enforcing restrictive covenant, 148.

HORSE-POWER,
of mechanically-propelled vehicles, how arrived at, 292.

HOSPITALS,
isolation, area to be served by, 150.
isolation, local authorities and provision of, 149.
isolation, site of, 151.
isolation, size of, in proportion to population, 151.
isolation, smallpox, conditions to be complied with, 154.
isolation, type of buildings, 151.
subscription by district council to ambulance brigade, 160.
Voluntary Hospitals Commission, Conference, 159.
Voluntary Hospitals Commission, report of, 154.

HOUSING. *See* TOWN PLANNING.
architect's fees, scale of remuneration, 211.
County Councils (assisted schemes for the housing of employees) Amendment Regulations, 173.
density of houses, 174.
eviction, prevention of, 160, 175.
exhibit of Ministry of Health at British Empire Exhibition, 302.
grants by local authorities in case of houses provided by private enterprise, 186, 193, 197, 198, 203.
guarantees to building societies, 207.
Housing (Financial Provisions) Act, 1924..161–170, 177.
Housing (Financial Provisions) Act, 1924, rules (Form of undertaking), 205.
Housing Trusts (Financial Assistance) Amendment Regulations, 1924..173.
inhabited house duty, repeal of, 170.
loans to builders, 193, 207.
loans to local authorities, 201
measurement of houses, 174, 211.
memorandum by Minister of Health on Housing (Financial Provisions) Act, 1924..177.
new methods of house construction, 209.
novel housing scheme, 206.
purchase of houses by, 182.
rates of interest under various Housing Acts, 176.
recreation ground, proposal to build houses upon, 36.
rents, determination of appropriate normal rents, rules, 204.
rents, report of Rents Tribunal, 208.
sale of houses by local authority, 185.
sanction to loans to local authorities, 201.
subsidies for building outside district, 175.
subsidies for "working-classes" houses only, 211.

HUSBAND AND WIFE,
duty of husband to maintain wife, not affected by husband's *bonâ fide* belief that he is not bound to, 327.

INCOME TAX,
increase of or addition to salary, etc., chargeable to, as salary and not as perquisites, 307.
profits of agricultural exhibition, when exempt from, 12.
profits of school carried on by company held to be liable to, 9.
voluntary payment by employers of a tax on salary of employee, 25.
assessability of amount so paid, 309.

INHABITED HOUSE DUTY,
repeal of, 170.

INSURANCE,
commission on premiums received by clerk to district council, to be handed to council, 310.

INSURANCE (LIFE),
children, limit on moneys payable on death of, 26.

INSURANCE (NATIONAL HEALTH),
appointment of Royal Commission on, 253.
cost of medical benefit, 212, 223.
court of inquiry into remuneration of insurance practitioners, 214.
inquiries relating to persons supplying drugs or appliances, 241.
investigations, disputes, appeals, 226.
medical benefit, general arrangements for provision of, 215.
medical benefits, methods of obtaining, 219.
orders, list of, issued during 1924..253, 254.
persons required or allowed to make their own arrangements for obtaining treatment, provisions as to, 250.
practitioners,
acceptance of fees, 247.
appeals, 249, 252.
arrangements for practice, 248.
arrangements for practice on retirement or death, 243.
deputies, assistants, and partners, 248.
disputes, 249.
duties of, 246.
evidence of person's title to obtain treatment, 244.
inquiries relating to, 236.
notice to, to determine service on medical list, 249.
persons for whose treatment the practitioner is responsible, 244.
range of service, 245.
remuneration of, 214, 249.
right of, to have patient removed from his list, 244.
terms of service for, 243.
rules for procedure at inquiry, 252.

INSURANCE (UNEMPLOYMENT),
certificates of exception under Act of 1920 to persons employed in whole-time employment in a permanent capacity on the official staff, renewal of, 268.
provisions of Unemployment Insurance Act, 1924..254.
provisions of Unemployment Insurance No. 2 Act, 1924..254.
provisions of Unemployment Insurance No. 3 Act, 1924...267.
regulations of Ministry of Labour under Unemployment Insurance Act, 1920.. 267.
weekly rates of unemployment benefit, 265.

LIBRARY,
use of library premises for purposes other than that of a public library, 271.

LICENSING,
of cabs and stage-carriages, 111.
of drivers of cabs and stage-carriages, 116.
of mechanically-propelled vehicles, 278, 285, 287.
part-year licensing of road-vehicles, 277.
repayment of duty by way of rebate in respect of mechanically-propelled vehicles, 275.
vehicles exempt from duty, 290.

LOANS. *See* HOUSING.
provisions of Trade Facilities Act, 1924..273.
report of Public Works Loan Board, 1923–1924..274.

LOCAL AUTHORITY,
actions by and against, 5.
administration of, and centralization, 334.
administration of, and right of appeal, 334.
application of adjustment moneys by, in case of alteration of boundary, 19.
arbitration, friendly, 270.
arrangements for assistance of private enterprise in building houses, 186, 193, 197, 198, 203.
blind, restriction on power of, to provide treatment and glasses for the, 20.
bridge, liability for taking over, 147.
cesspools, voluntary cleansing of, whether power to rescind undertaking, 25.
change of name of district council, 70.
change of name of parish council, 70, 314.

LOCAL AUTHORITY—*continued.*
combinations of local authorities, advisability of, in certain cases, 32.
compulsory acquisition of land, to enhance value of lands already held, 270.
contract by, not under seal, invalidity of, 36.
control of litter, 343.
disqualification of alderman, having share in contract with city corporation, 305.
disqualification of councillors, 70, 328.
fishing rights, letting of, consent of Ministry of Health, 270.
houses provided by, 171, 177 *et seq.*, 181, 186, 195. *See* HOUSING.
illegal condition of lending, 275.
insufficient drainage system, remedy against, for damage, 356.
isolation hospital accommodation, provision by, 149.
loans to, emergency provisions, 272, 317.
loans to, in respect of housing scheme, 201.
maternity beds, provision of, by, 29.
maternity nursing, provision of, by, 30.
mines' subsidence, rights of, 269.
motor danger signs near schools, may be paid for by, 293.
parish council has no right to acquire a market by purchase, 300.
payments to members of, out of rates, 69.
pensions payable by, increase of, 366, 373, 375.
purchase of houses by, 182.
re-borrowing, when it does not require formal sanction, 275.
removal of snow, power of rural authority to charge for, 148.
right to obtain possession of premises without giving alternative accommodation, 209.
road taken over by, enforcing restrictive covenant, 148.
rural district council, powers in regard to slaughter-houses, 358, 360, 361.
sale of houses erected by, 185.
security of tenure of officers, 309.
slaughter-houses, loans to, for provision of, public, 364.
street, liability of, for upkeep of widened, 333.
Thames, pollution of, by, 345, 346.
time-limit for discharge of debt, 275.
town planning, general statement by Minister of Health on objects, scope and contents of schemes under Town Planning Acts, 1909–1923..385 *et seq.*

LOCOMOTIVE,
sparks from railway, causing damage, 93.
sparks from road, causing damage, 293.
weight of road, 291.

LONDON,
advisory committee on traffic in, members of, 141.
regulation of traffic in, 122 *et seq.*
rules of procedure of joint committees made under London Traffic Act, 1924.., 142.
water rate in, collection of, 435.

LUNACY. *See* MENTAL DEFICIENCY.

MARGARINE,
sale of margarine as "butter mixture," 106.
wrapper containing fancy or other descriptive name, 105.

MARKET,
parish council has no power to acquire, 300.
toll upon samples, 300.
"unauthorized markets," proposal to deal with, 299.

MATERNITY,
ante-natal supervision, 29.
child welfare and, exhibit of Ministry of Health at British Empire Exhibition, 302.
domestic midwifery and maternity nursing, 30.
investigations into maternal deaths, 30.
maternal mortality, 28.
provision of beds by local authorities, 29.

MEAT. *See* SLAUGHTER-HOUSE.
cleanliness, 98.
foreign meat regulations, admission of meat from Latvia, 96.
marking of, 97, 102.
Public Health meat regulations, 99.
shops, etc., in which meat kept, regulations as to, 103.
slaughtering, 96.
stalls for sale of meat, regulations, 103.
transport and handling of, 104.

MEDICAL OFFICERS OF HEALTH. *See* INSURANCE (NATIONAL HEALTH).
security of tenure of, 310.

MENTAL DEFICIENCY,
appointment of Royal Commission, 296.
Board of Control, annual report, 298.
children, 297.
dietaries in mental hospitals, report of Departmental Committee, 298.
increase of mental disorders, 299.
mental defectives placed out on licence, 295.
nursing service in mental hospitals, report of Departmental Committee, 298.
use of poor law institutions, 294.
wrongful detention of alleged lunatic, 298.

MIDWIVES. *See* MATERNITY.
as jurors, 301.
report on the work of the Central Midwives Board for 1922-1923..301.

MINISTRY OF HEALTH,
annual report, 305.
exhibits of, at British Empire Exhibition, 302, 303.
rules in regard to deputations to the Ministry, 305.

MOTOR CYCLES. *See* MOTORS.

MOTORS,
general trade licences, 285.
licensing and registration of, 278.
limited trade licences, 287.
repayment of duty by way of rebate, 275.

MUNICIPAL CORPORATION,
charter schemes, temporary holding up of, 306.
costs of promoting charter scheme, 306.
disqualification of alderman having share or interest in contract with, 305.
security of tenure of officers of, 309.

NEW ZEALAND,
emigration to, assisted passages, 82.

OLD AGE PENSIONS,
memorandum of Minister of Health on Old Age Pensions Act, 1924..312.

OMNIBUS. *See* HACKNEY CARRIAGES; MOTORS.
alleged overcrowding, 121.
licensing of, 127-131, 133, 135.
meaning of, 136.

PARISH COUNCIL,
approval of expenditure by, on war assurance, 404.
formation of, into Urban District, 314.
market, no power to acquire, 300.
name, change of, 70, 314.
water supply, powers of, 409.

PENSIONS. *See* OLD AGE PENSIONS; SUPERANNUATION.
granted by local authorities, increase of, 366, 373, 375.
police pensions, 366, 378.
war pensions, committee's regulations, 403.

POLICE,
conditions of service, readjustment, report of Committee, 316.
payment of, when requisitioned by private person during strike, 316.
pensions of, 366, 378.
plans of police buildings, 315.
reports of H.M.'s Inspectors of Constabulary for 1923, 1924..316.
women-police, report of Departmental Committee on, 314.

POOR-LAW. *See* UNEMPLOYMENT RELIEF.
appointments to posts in poor-law service, 308.
casual wards, survey of structure, equipment, and accommodation, 318.
clerk of the peace, notice to terminate appointment, nature of tenure, 309.
conveyance of children to sports, expense of, allowable, 329.
disposal of paupers' bodies, 330.
disqualification for appointment to any paid offices under Board of Guardians, 308.
poor-law institutions and insured persons, 329.
poor-law institutions, use of, for mental defectives, 294.
Poplar order, 323.
refusal to work at lower than trade union rate of wages, whether a neglect to maintain self and wife, 328.

POPLAR ORDER,
memorandum by Minister of Health on the remission of the, 323.

PRIVATE STREET. *See* HIGHWAY.
allowing of reasonable time in notices requiring execution of works, 331.
making of half-width, 333.
taking over of, for making up into public highway, liability of frontagers, 332.
widened, liability of local authority for upkeep, 333.

PUBLIC HEALTH SERVICES,
criticism of, 310–311.

PUBLIC HEALTH,
annual report of Chief Medical Officer of Ministry of Health for 1923..69.
(foreign meat) regulations, admission of meat from Latvia, 96.
public education in health, memorandum by Chief Medical Officer of Ministry of Health, 72.

RABIES,
anti-rabic treatment, 15 *et seq.*

RACECOURSE,
rating of, 340.

RAILWAY COMPANY,
liability for fines caused by sparks from engines, 93.
railway assessments, 336.

RATES,
appeal, objections which may be urged at, 339–340.
dock coming into existence after 1901..337.
method of revaluation after redemption of tithe rent-charge, 339.
owner instead of occupier rated, wrong name in rate-book, estoppel, 339.
racecourse, rating of, 340.
railway assessments, 336.
reconstruction of premises, rateable occupation, 338.
Statement of Rates Act, 1919, enforcement of, 342.

REFUSE,
control of litter, 343.
cost of collection and disposal, 342.
school refuse, 343.

REGISTRAR OF BIRTHS, ETC.,
removal of registration office from one part of district to another, 343.
remuneration of, 343.

RELIEF,
Departmental Committee's report on public, 344.

RIVERS. *See* THAMES CONSERVANCY ACT, 1924.
power to charge tolls, validity of contract not to exceed powers, 354.

ROAD VEHICLES. *See* HACKNEY CARRIAGES; MOTORS; LICENSING.
taxation and registration of, 276.

RURAL DISTRICT COUNCIL,
powers in regard to slaughter-houses, 358, 360, 361.

SCHOOLS,
for partially blind children, 20.
meals at secondary, 74.
motor danger signs near, may be provided by local authority, 293.
profits from school carried on by company held to be assessable to income tax, 25.
refuse of, 343.
works at, for relief of unemployment, 74.

SLAUGHTER-HOUSES. *See* MEAT.
definition of, 359.
loans to local authorities for provision of public, 364.
outbreak of foot and mouth disease in, 357.
powers of rural district councils, 358, 360, 361.
private, to be discouraged, 96.
registration and licensing of, 359.
regulations of Minister of Health, 100.

SLEEPING SICKNESS,
issue of revised memorandum, 69.

SMALL HOLDINGS. *See* AGRICULTURE; ALLOTMENTS.

SMALL POX,
hospitals for, 154.

SMOKE PREVENTION,
exhibit of Ministry of Health at British Empire Exhibition, 303.

STAMP DUTY,
amendment of, on leases of certain dwelling-houses, 471.
exemption from, of certain receipts, 307–308.

STREETS. *See* HIGHWAY; PRIVATE STREETS.
cleansing of streets, statistics, 342.

SUPERANNUATION,
pensions payable by local authorities, increase of, 366, 373, 375.
school teachers, of, 367.
superannuation contributions by teachers absent on war service, 382.
transfer value rules, 368.
war bonus, granted calculation of superannuation allowances, 382.

TEACHERS. *See* SUPERANNUATION.

TELEGRAPH,
liability for non-negligent injury to telegraphic line, 383.

THAMES CONSERVANCY ACT, 1924.
contribution by county councils and county boroughs, 349.
payments by Metropolitan Water-Board and Water Companies to conservators, 347.
pollution of Thames, 345, 346.
provisions of, 345 *et seq.*

TOWN PLANNING,
description of general objects and scope of schemes under Town-Planning Acts, 1909–1923, and procedure to be followed, 385 *et seq.*
exhibit at British Empire Exhibition, 302.
model clauses for schemes, 384.

TRAFFIC. *See* HIGHWAY.
administration of Road Fund for 1923–1924..140.
advisory committee on London Traffic, members of, 141.
census for 1922 and 1923..140.

TRAFFIC—*continued.*
heavy motor and locomotive, 148.
regulation of, in London under London Traffic Act, 1924..122 *et seq.*
rules of procedure of Joint Committees under London Traffic Act, 1924..142.
slippery roads, 145.

TRAMWAYS,
loss of goods on L.C.C., value not declared, liability of council, 399.
Ministry of Transport's return of Street and Road Tramways and Light Railways, 398.

TUBERCULOSIS,
regulations, 64, 68.

UNEMPLOYMENT RELIEF. *See* WORKMAN.
able-bodied men unwilling to work, though work available, illegality of payments to, 327, 329.
continuance of Unemployment (Relief Works) Act, 1920..4.
in Poplar, 323.
memorandum by Minister of Labour, 85.
report of proceedings of the Unemployment Grants Committee, 85.
statistics relating to financial provision for, from the Armistice, 85.

VACCINATION,
provisions of new Order, 1924..400, 401.
reply of Minister of Health to deputation, 403.

VAGRANCY. *See* CASUAL WARDS.

VENEREAL DISEASES,
list of treatment centres, 69.

VOLUNTARY HOSPITALS,
Conference, 159.
report of Commission, 154.

WAGES,
fair wages clause applicable to housing contracts of Government Departments, 205.
regulation of agricultural, 6 *et seq.*

WAR MEMORIALS,
approval of expenditure by parish council, 404.

WATER,
collection of London Water rates, 435.
exhibit of supply by Minister of Health at British Empire Exhibition, 302.
model specifications of water-pipes and fittings, 423.
rating in rural district in respect of water from stand pipe, 435.
rural district councils, powers of, 407.
rural supplies:
acquisition of water rights, 415.
bulk supplies, 416.
financial difficulties. 410.
general effect of post-war conditions on progress, 409.
legal difficulties, 415.
parish councils, powers of, 409.
physical difficulties, 415.
present position as between piped supplies and other supplies, 404.
sources of rural supplies, 319.
rainwater, 420.
shallow wells, 419.
springs, 420.
suggestions for removing difficulties, 420.

WOMEN. *See* MATERNITY; HUSBAND AND WIFE.
emigration; assisted passages to Australia, 79.
Canada, 81.
New Zealand, 82.
employment as police-women, report of departmental committee, 314.

WORKMEN. *See* UNEMPLOYMENT RELIEF.
compensation for silicosis, 436.
medical referees, fee to be paid to, under Workmen's Compensation Act, 1923..437.
King's Roll, 83.
memorandum to local authorities regarding employment of painters and others, 83.
works for relief of unemployment, 84.

YOUNG PERSON,
medical examination of for factory employment, 92.

Printed in Great Britain
BY
WILLIAM CLOWES & SONS, LIMITED,
LONDON AND BECCLES.

UNIVERSITY OF ILLINOIS-URBANA
3 0112 127112628